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SUPREME COURT. U. S.

VOLUME IV

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1967

No. 23

PATRICIA WALDRON, ETC., PETITIONER,

vs.

CITIES SERVICE CO.

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

PETITION FOR CERTIORARI FILED NOVEMBER 3, 1966

CERTIORARI GRANTED JANUARY 16, 1967



SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967

No. 23

PATRICIA WALDRON, ETC., PETITIONER,

vs.

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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[fol. A]

SUPREME COURT OF THE UNITED STATES

No. 744, October Term, 1966

PATRICIA WALDRON, etc., Petitioner,

v.

CITIES SERVICE Co.

ORDER GRANTING RESPONDENT'S MOTION TO REQUIRE CERTI-
FICATION OF ADDITIONAL PARTS OF THE RECORD, ETC.—
April 24, 1967

On Consideration of the motion of the respondent to re-
quire certification of additional parts of the record,

It Is Ordered by this Court that the said motion be, and
the same is hereby, granted. The expense of printing such
additional parts of the record shall initially be paid by
the respondent and ultimately shall abide the judgment of
this Court at the conclusion of this case.

[fol. 1]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

Time to answer presently expires September 30, 1956.

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed August 13, 1956

It Is Hereby Stipulated and Agreed by and between
Gerald B. Waldron, plaintiff, and Gulf Oil Corporation,
one of the defendants, in the above entitled and numbered
cause as follows:

(1) That the deposition of plaintiff Waldron may be
taken by the attorneys for the defendant Gulf Oil Corpora-
tion commencing on September 10, 1956, without further
notice or order of the Court; and

(2) That the time for the defendant Gulf Oil Corporation
to move, answer, plead, or otherwise respond with respect
to plaintiff's original complaint filed herein is extended
until and including thirty days after the completion of
the taking of the deposition of the plaintiff Waldron.

[File endorsement omitted]

Order may be entered at any time on this stipulation without notice to the plaintiff.

Casey, Lane & Mittendorf, 43 Exchange Place, New York 5, New York, Attorneys for Plaintiff, By Samuel M. Lane, A Partner.

Vinson, Elkins, Weems & Searls, Esperson Building, Houston 2, Texas, and Matthew S. Gibson, 17 Battery Pl., New York 4, Attorneys for Defendant Gulf Oil Corporation, By Matthew S. Gibson.

It is so ordered this 10th day of August, 1956, at New York, N. Y.

Lawrence E. Walsh, United States District Judge.

[fol. 2]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

against

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY), THE TEXAS Co., Defendants.

STIPULATION—November 30, 1956

A verbatim extract from the record for November 15, 1956 of the deposition in the case of *Gerald B. Waldron v. British Petroleum Co., Ltd., et al.* (Civil Action No. 110-

223) is hereinafter set forth for the purpose of the signatories acknowledging agreement to the terms embodied therein:

"Mr. Lane: It is separately agreed between the plaintiff and defendant *Socony Mobil* that the examination of *Richard S. Nelson* by *Socony Mobil* now scheduled for December 3, 1956 is adjourned to February 4, 1957 without prejudice to the right of the defendant *Socony Mobil* to insist upon Nelson's examination on the latter date or the right of the plaintiff to oppose Nelson's examination on the latter date or to the rights of any of the other parties with respect to Nelson's examination on or after February 4, 1957."

Samuel M. Lane, Attorney for Plaintiff.

James R. Withrow, Jr., Attorney for *Socony Mobil Oil Co.*

It is hereby agreed that the undersigned Witness is excused from attending the deposition on December 3, 1956, [fol. 3] as is provided in the subpoena served on him by Mr. John C. O'Donnell on October 22, 1956, on behalf of the *Socony Mobil Oil Co.*, provided he agrees to attend on February 4, 1957, at the offices of the said John C. O'Donnell, 703 Richland Trust Building, in the City of Mansfield, Ohio.

> Dated: November 30th, 1956.

Richard S. Nelson.

[fol. 4]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff.

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed January 16, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James E. Zoes pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, be and the same hereby is adjourned from January 22, 1957 to April 16, 1957, or to such date prior to April 16, 1957 but after January 22, 1957 as may hereafter be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove.

Dated, January 9, 1957.

James E. Zoes.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
Samuel M. Lane.

Oscar John Dorwin, Edmund Burke, Jr., and Kissam
& Halpin, Attorneys for Defendant, The Texas
Company, By Leo T. Kissam.

So Ordered January 15, 1957.

Sylvester J. Ryan, U.S.D.J.

[File endorsement omitted]

[fol. 5]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed January 21, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Ray Carter pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, be and the same hereby is adjourned from January 23, 1957 to April 17, 1957, or to such date prior to April 17, 1957 but after January 23, 1957 as may hereafter be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove.

Dated, January 9, 1957.

Ray Carter.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

Oscar John Dorwin, Edmund Burke, Jr., and Kissam
& Halpin, Attorneys for Defendant, The Texas
Company, By Leo T. Kissam.

So Ordered January 21, 1957.

Edward Weinfeld, U.S.D.J.

[File endorsement omitted]

[fol. 6]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed January 31, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the depositions of Richard S. Nelson pursuant to subpoenas dated October 22, 1956 and November 28, 1956 served by John C. O'Donnell, Esq., on behalf of Socony Mobil Oil Co., Inc., and The Texas Company, respectively, be and the same hereby are adjourned from February 4, 1957 to April 4, 1957 or to such date prior to April 4, 1957 as may hereafter be agreed to by the undersigned, said depositions to be taken at the offices of the said John C. O'Donnell, Esq., 703 Richland Trust Building, in the City of Mansfield, Ohio at 10:30 A.M.

Dated: January 22nd, 1957.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

[File endorsement omitted]

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By James
R. Withrow, Jr.

Kissam & Halpin, Attorneys for Defendant The
Texas Company, By Leo T. Kissam.

So Ordered: 1/31/57.

Edward Weinfeld, U.S.D.J.

[fol. 7]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed March 28, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the depositions of Richard
S. Nelson pursuant to subpoenas dated October 22, 1956
and November 28, 1956 served by John C. O'Donnell, Esq.,
on behalf of Socony Mobil Oil Co., Inc., and The Texas
Company, respectively, heretofore adjourned by stipulation
dated January 22, 1957 from February 4, 1957 to April 4,
1957, be and the same hereby are further adjourned to

[File endorsement omitted]

June 3, 1957 or to such date prior to June 3, 1957 as may hereafter be agreed to by the undersigned, said depositions to be taken at the offices of the said John C. O'Donnell, Esq., 703 Richland Trust Building, in the City of Mansfield, Ohio at 10:30 A.M.

Dated: March 20, 1957.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By James
R. Withrow, Jr.

Kissam & Halpin, Attorneys for Defendant The
Texas Company, By Leo T. Kissam.

So Ordered March 28, 1957.

G. F. Noonan, U.S.D.J.

[fol. 8]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

[File endorsement omitted]

STIPULATION—Filed March 26, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Ray Carter pursuant to Notice to Take Deposition, dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 from January 23, 1957 to April 17, 1957, be and the same hereby is further adjourned to June 6, 1957, or to such date prior to June 6, 1957 but after April 17, 1957 as may hereafter be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove.

Dated, March 20, 1957.

Ray Carter.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

Oscar John Dorwin, Edmund Burke, Jr., and Kissam
& Halpin, Attorneys for Defendant The Texas
Company, By Leo T. Kissam.

So Ordered March 26, 1967.

G. F. Noonan, U.S.D.J.

[fol. 9]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed April 3, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James E. Zoes pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 from January 22, 1957 to April 16, 1957 be and the same hereby is further adjourned to June 5, 1957, or to such date prior to June 5, 1957 but after April 16, 1957 as may hereafter be agreed to by the undersigned, ~~said~~ deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove.

Dated, March 29, 1957.

[File endorsement omitted]

James E. Zoes.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel W. Lane.

Oscar John Dorwin, Edmund Burke, Jr. and Kissam
& Halpin, Attorneys for Defendant, The Texas
Company, By James H. Halpin.

So Ordered April 2nd 1957.

Thos. F. Murphy, U.S.D.J.

[fol. 10]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed April 2, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of James A.
Bentley pursuant to Notice to Take Deposition dated No-
vember 14, 1956 and Subpoena Duces Tecum dated Novem-
ber 16, 1956, served by The Texas Company, heretofore
adjourned by stipulation dated January 9, 1957 from Janu-
ary 21, 1957 to April 15, 1957 be and the same hereby is
further adjourned to June 4, 1957, or to such date prior
to June 4, 1957 but after April 15, 1957 as may hereafter

[File endorsement omitted]

be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to herein-above.

Dated, March 29, 1957.

James A. Bentley.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel W. Lane.

Oscar John Dorwin, Edmund Burke, Jr. and Kissam
& Halpin, Attorneys for Defendant, The Texas
Company, By James H. Halpin.

So Ordered April 2nd 1957.

Thos. F. Murphy, U.S.D.J.

[fol. 11]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed May 22, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the depositions of Richard

[File endorsement omitted]

S. Nelson pursuant to subpoenas dated October 22, 1956 and November 28, 1956 served by John C. O'Donnell, Esq., on behalf of Socony Mobil Oil Co., Inc., and The Texas Company, respectively, heretofore adjourned by stipulation dated January 22, 1957 to April 4, 1957, and by stipulation dated March 20, 1957 to June 3, 1957, be and the same hereby are further adjourned to October 7, 1957 or to such date prior to October 7, 1957 as may hereafter be agreed to by the undersigned, said depositions to be taken at the offices of the said John C. O'Donnell, Esq., 703 Richland Trust Building, in the City of Mansfield, Ohio at 10:30 A.M.

Dated: May 14, 1957.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By James
R. Withrow, Jr.

Kissam & Halpin, Attorneys for Defendant The
Texas Company, By Leo T. Kissam.

So Ordered May 22, 1957.

John M. Cashin, U.S.D.J.

[fol. 12]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed May 21, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James A. Bentley pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 15, 1957, and by stipulation dated March 29, 1957 to June 4, 1957, be and the same hereby is further adjourned to October 8, 1957, or to such date prior to October 8, 1957 but after June 4, 1957 as may hereafter be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove at 10:30 A.M.

Dated: May 16, 1957.

James A. Bentley.

Casey, Lane & Mittendorf, By S.M.L., Attorneys for
for Plaintiff.

[File endorsement omitted]

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered May 20, 1957.

John M. Cashin, U.S.D.J.

[fol. 13]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed May 21, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James E. Zoes pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 16, 1957, and by stipulation dated March 29, 1957 to June 5, 1957, be and the same hereby is further adjourned to October 9, 1957, or to such date prior to October 9, 1957

[File endorsement omitted]

but after June 5, 1957 as may hereafter be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove at 10:30 A.M.

Dated: May 16, 1957.

James E. Zoes.

Casey, Lane & Mittendorf, By S.M.L., Attorneys for
for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered May 20, 1957.

John M. Cashin, U.S.D.J.

[fol. 14]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed May 21, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of Ray Carter
pursuant to Notice to Take Deposition dated November

[File endorsement omitted]

14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 17, 1957, and by stipulation dated March 20, 1957 to June 6, 1957, be and the same hereby is further adjourned to October 10, 1957, or to such date prior to October 10, 1957 but after June 6, 1957 as may hereafter be agreed to by the undersigned, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove at 10:30 A.M.

Dated, May 16, 1957.

Ray Carter.

Casey, Lane & Mittendorf, By S.M.L., Attorneys for
for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered May 20, 1957.

John M. Cashin, U.S.D.J.

[fol. 15]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed October 2, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James E. Zoes pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 16, 1957, and by stipulation dated March 29, 1957 to June 5, 1957, and by stipulation dated May 16, 1957 to October 9, 1957, be and the same hereby is further adjourned to November 20, 1957, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated: September 25, 1957.

James E. Zoes.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

[File endorsement omitted]

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered: 10/1/57.

G. F. Noonan, U.S.D.J.

[fol. 16]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed October 4, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Ray Carter pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 17, 1957, and by stipulation dated March 20, 1957 to June 6, 1957, and by stipulation dated May 16, 1957 to October 10, 1957, be and the same hereby is further adjourned to November 21, 1957, said deposition to be taken at the same place

[File endorsement omitted]

as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, September 25, 1957.

Ray Carter.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered October 4, 1957.

G. F. Noonan, U.S.D.J.

[fol. 17]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed October 2, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of James A.

[File endorsement omitted]

Bentley pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 15, 1957, and by stipulation dated March 29, 1957 to June 4, 1957, and by stipulation dated May 16, 1957 to October 8, 1957, be and the same hereby is further adjourned to November 19, 1957, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, September 25, 1957.

James A. Bentley.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered: 10/1/57.

G. F. Noonan, U.S.D.J.

[fol. 18]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed October 2, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the depositions of Richard S. Nelson pursuant to subpoenas dated October 22, 1956 and November 28, 1956 served by John C. O'Donnell, Esq., on behalf of Socony Mobil Oil Co., Inc., and The Texas Company, respectively, heretofore adjourned by stipulation dated January 22, 1957 to April 4, 1957, and by stipulation dated March 20, 1957 to June 3, 1957, and by stipulation dated May 14, 1957 to October 7, 1957, be and the same hereby are further adjourned to November 18, 1957, said depositions to be taken at the office of the Clerk of the United States District Court, Southern District of New York, Room 601, Federal Court House, Foley Square, New York, N.Y. commencing at 10:30 A.M.

[File endorsement omitted]

Dated: September 25, 1957.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By James
R. Withrow, Jr.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered: 10/1/57.

G. F. Noonan, U.S.D.J.

[fol. 19]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed November 13, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of James A.

[File endorsement omitted]

Bentley pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 15, 1957, and by stipulation dated March 29, 1957 to June 4, 1957, and by stipulation dated May 16, 1957 to October 8, 1957, and by stipulation dated September 25, 1957 to November 19, 1957, be and the same hereby is further adjourned to January 21, 1958 said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, November 12, 1957.

James A. Bentley.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant, The Texas Company.

So Ordered November 13, 1957.

J. R. Kaufman, U.S.D.J.

[fol. 20]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed November 13, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the depositions of Richard S. Nelson pursuant to subpoenas dated October 22, 1956 and November 28, 1956 served by John C. O'Donnell, Esq., on behalf of Socony Mobil Oil Co., Inc., and The Texas Company, respectively, heretofore adjourned by stipulation dated January 22, 1957 to April 4, 1957, and by stipulation dated March 20, 1957 to June 3, 1957, and by stipulation dated May 14, 1957 to October 7, 1957, and by stipulation dated September 25, 1957 to November 18, 1957, be and the same hereby are further adjourned to January 20, 1958 said depositions to be taken at the office of the Clerk of the United States District Court, Southern District of New York, Room 601, Federal Court House, Foley Square, New York, N. Y. commencing at 10:30 A.M.

[File endorsement omitted].

Dated: November 12, 1957.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By J. R.
Withrow, Jr.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered November 13, 1957.

J. R. Kaufman, U.S.D.J.

[fol. 21]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed November 13, 1957

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of James E.
Zoes pursuant to Notice to Take Deposition dated November
14, 1956 and Subpoena Duces Tecum dated November

16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 16, 1957, and by stipulation dated March 29, 1957 to June 5, 1957, and by stipulation dated May 16, 1957 to October 9, 1957, and by stipulation dated September 25, 1957 to November 20, 1957, be and the same hereby is further adjourned to January 22, 1958 said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated: November 12, 1957.

James E. Zoes.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered November 13, 1957.

J. R. Kaufman, U.S.D.J.

[fol. 22]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

[File endorsement omitted]

STIPULATION—Filed November 14, 1957

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Ray Carter pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 17, 1957, and by stipulation dated March 20, 1957 to June 6, 1957, and by stipulation dated May 16, 1957 to October 10, 1957, and by stipulation dated September 25, 1957 to November 21, 1957, be and the same hereby is further adjourned to January 23, 1958 said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, November 12, 1957.

Ray Carter.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered November 14, 1957.

J. R. Kaufman, U.S.D.J.

[fol. 23]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed January 21, 1958

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James A. Bentley pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 15, 1957, and by stipulation dated March 29, 1957 to June 4, 1957, and by stipulation dated May 16, 1957 to October 8, 1957, and by stipulation dated September 25, 1957 to November 19, 1957, and by stipulation dated November 12, 1957 to January 21, 1958, be and the same hereby is further adjourned to April 14, 1958, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

[File endorsement omitted]

Dated, January 14, 1958.

James A. Bentley.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered January 20th 1958.

William B. Herlands, U.S.D.J.

[fol. 24]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed January 17, 1958

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the depositions of Richard
S. Nelson pursuant to subpoenas dated October 22, 1956
and November 28, 1956 served by John C. O'Donnell, Esq.,
on behalf of Socony Mobil Oil Co., Inc., and The Texas
Company, respectively, heretofore adjourned by stipula-

tion dated January 22, 1957 to April 4, 1957, and by stipulation dated March 20, 1957 to June 3, 1957, and by stipulation dated May 14, 1957 to October 7, 1957, and by stipulation dated September 25, 1957 to November 18, 1957, and by stipulation dated November 12, 1957 to January 20, 1958, be and the same hereby are further adjourned to April 7, 1958, said depositions to be taken at the office of the Clerk of the United States District Court, Southern District of New York, Room 601, Federal Court House, Foley Square, New York, N.Y. commencing at 10:30 A.M.

Dated: January 14, 1958.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By James
R. Withrow, Jr.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered January 16, 1958.

Sidney Sugarman, U.S.D.J.

[fol. 25]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed January 20, 1958

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James E. Zoes pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 9, 1957 to April 16, 1957, and by stipulation dated March 29, 1957 to June 5, 1957, and by stipulation dated May 16, 1957 to October 9, 1957, and by stipulation dated September 25, 1957 to November 20, 1957, and by stipulation dated November 12, 1957 to January 22, 1958, be and the same hereby is further adjourned to April 21, 1958, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

[File endorsement omitted]

Dated: January 14, 1958.

James E. Zoes.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered January 17, 1958.

Sidney Sugarman, U.S.D.J.

[fol. 26]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed January 22, 1958

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of Ray Carter
pursuant to Notice to Take Deposition dated November
14, 1956 and Subpoena Duces Tecum dated November 16,
1956, served by The Texas Company, heretofore adjourned

[File endorsement omitted]

by stipulation dated January 9, 1957 to April 17, 1957, and by stipulation dated March 20, 1957 to June 6, 1957, and by stipulation dated May 16, 1957 to October 10, 1957, and by stipulation dated September 25, 1957 to November 21, 1957, and by stipulation dated November 12, 1957 to January 23, 1958, be and the same hereby is further adjourned to April 28, 1958, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, January 14, 1958.

Ray Carter.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered January 21, 1958.

William B. Herlands, U.S.D.J.

[fol. 27]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No: 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

[File endorsement omitted]

STIPULATION—Filed March 10, 1958

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldrón by defendant Standard Oil Company (New Jersey) and scheduled to begin on March 10, 1958, shall begin on April 7, 1958 at the same time and place.

Dated: New York, N.Y.
March 7, 1958.

Casey, Lane & Mittendorf, 26 Broadway, New York 4, N.Y., Attorneys for Plaintiff.

Milton Pollack, 111 Broadway, New York 5, N.Y., Attorney for Defendant British Petroleum Company, Limited.

Paul, Weiss, Rifkind, Wharton & Garrison, 575 Madison Avenue, New York 22, N.Y. and Henry [fol. 28] L. O'Brien and Park Holland, Jr., 70 Pine Street, New York 5, N.Y., Attorneys for Defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Matthew S. Gibson, 17 Battery Place, New York 4, N.Y. and Vinson, Elkins, Weems & Searls, Esperson Building, Houston 2, Texas, Attorneys for Defendant Gulf Oil Corporation by Matthew S. Gibson.

Donovan Leisure Newton & Irvine, by James R. Withrow, Jr., Two Wall Street, New York 5, N.Y. and Dorr, Hand, Whittaker & Peet, 61 Broadway, New York 6, N.Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

[fol. 29] Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company of California.

Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N.Y. and O. John Dorwin and Edmund Burke, Jr., 135 East 42nd Street, New York 17, N.Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So Ordered March 10, 1958.

E. J. Dimock, U.S.D.J.

[fol. 30]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed March 18, 1958

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Ray Carter pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16,

[File endorsement omitted]

1956, served by The Texas Company, heretofore adjourned by stipulation dated January 14, 1958 to April 28, 1958, be and the same hereby is further adjourned to a date in conformity with the Order of United States District Judge Herlands signed February 11, 1958 in this action, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, March 7, 1958.

Ray Carter.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered March 18th 1958.

G. F. Noonan, U.S.D.J.

[fol. 31]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

[File endorsement omitted]

STIPULATION—Filed March 18, 1958

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James E. Zoes pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 14, 1958 to April 21, 1958, be and the same hereby is further adjourned to a date in conformity with the Order of United States District Judge Herlands signed February 11, 1958 in this action, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

Dated, March 7, 1958.

James E. Zoes.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered March 18th 1958.

G. F. Noonan, U.S.D.J.

[fol. 32]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed March 18, 1958

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of James A. Bentley pursuant to Notice to Take Deposition dated November 14, 1956 and Subpoena Duces Tecum dated November 16, 1956, served by The Texas Company, heretofore adjourned by stipulation dated January 14, 1958 to April 14, 1958, be and the same hereby is further adjourned to a date in conformity with the Order of United States District Judge Herlands signed February 11, 1958 in this action, said deposition to be taken at the same place as specified in the Notice to Take Deposition and Subpoena Duces Tecum referred to hereinabove commencing at 10:30 A.M.

[File endorsement omitted]

Dated, March 7, 1958.

James A. Bentley.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund
Burke, Jr., Attorneys for Defendant The Texas
Company.

So Ordered March 18th 1958.

G. F. Noonan, U.S.D.J.

[fol. 33]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed March 18, 1958

It Is Hereby Stipulated, Consented and Agreed by and
between the undersigned that the deposition of Richard
S. Nelson pursuant to Notice to Take Deposition dated
November 16, 1956, and Subpoena Duces Tecum dated No-
vember 28, 1956 served by John C. O'Donnell, Esq., on

[File endorsement omitted]

behalf of The Texas Company, heretofore adjourned by stipulation dated January 14, 1958 to April 7, 1958, be and the same hereby is further adjourned to a date in conformity with the Order of United States District Judge Herlands signed February 11, 1958 in this action, said deposition to be taken at the office of the Clerk of the United States District Court, Southern District of New York, Room 601, Federal Court House, Foley Square, New York, N.Y. commencing at 10:30 A.M.

Dated; March 7, 1958.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Kissam & Halpin, Oscar John Dorwin and Edmund Burke, Jr., Attorneys for Defendant The Texas Company.

So Ordered March 18th 1958.

G. F. Noonan, U.S.D.J.

[fol. 34]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORP., SOCONY MOBIL OIL Co., INC., STANDARD OIL
Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

[File endorsement omitted]

STIPULATION—Filed March 29, 1958

It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Richard S. Nelson pursuant to the subpoena duces tecum dated October 17, 1956 and served on October 22, 1956 by John C. O'Donnell, Esq. on behalf of Socony Mobil Oil Co., Inc., heretofore adjourned by successive stipulations to April 7, 1958, be and the same hereby is further adjourned to a date in conformity with the order of United States District Judge Herlands signed February 11, 1958 in this action, or until such other date as may be agreeable to and between the undersigned, said deposition to be taken at the office of the Clerk of the United States District Court, Southern District of New York, Room 601, Federal Court House, Foley Square, New York, N. Y., commencing at 10:30 A.M.

Dated: March 26, 1958.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel W. Lane.

[fol. 35] Donovan Leisure Newton & Irvine, Attorneys for Defendant Socony Mobil Oil Co., Inc.,
By James R. Withrow, Jr.

So Ordered March 28, 1958.

G. F. Noonan, U.S.D.J.

[fol. 36]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed April 7, 1958

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Standard Oil Company (New Jersey) and now scheduled to begin on April 7, 1958, shall begin on September 15, 1958 at the same time and place.

Dated: New York, N. Y.
April 3, 1958.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N. Y., Attorneys for Plaintiff.

Milton Pollack, 111 Broadway, New York 5, N. Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[File endorsement omitted]

[fol. 37] Paul, Weiss, Rifkind, Wharton & Garrison, 575 Madison Avenue, New York 22, N. Y. and Henry L. O'Brien and Park Holland, Jr., 70 Pine Street, New York 5, N. Y., Attorneys for Defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Matthew S. Gibson, 17 Battery Place, New York 4, N. Y. and Vinson, Elkins, Weems & Searls, Esperson Building, Houston 2, Texas, Attorneys for Defendant Gulf Oil Corporation, by Matthew S. Gibson.

Donovan Leisure Newton & Irvine, Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whitaker & Peet, 61 Broadway, New York 6, N. Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

[fol. 38] Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company of California.

Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N. Y. and O. John Dorwin and Edmund Burke, Jr., 135 East 42nd Street, New York 17, N. Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So Ordered April 4th, 1958.

Fr. vP Bryan, U.S.D.J.

[fol. 39]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed January 14, 1959

It Is Stipulated among the parties hereto, that the resumption of the deposition program set forth in the Order herein entered February 13, 1958, now scheduled to occur on January 19, 1959 with the examination of plaintiff Waldron by defendant Standard Oil Company of California shall be adjourned to February 24, 1959 on which date the said examination shall begin, at the same time and place.

Dated: New York, N.Y.
January 9, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York 4, New York, Attorneys for Plaintiff.

Milton Pollack, 111 Broadway, New York 5, New York, Attorney for Defendant British Petroleum Company, Limited.

[fol. 40] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N.Y. and

[File endorsement omitted]

Henry L. O'Brien and Park Holland, Jr., 70 Pine Street, New York 5, N.Y., Attorneys for Defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Matthew S. Gibson, 17 Battery Place, New York 4, N.Y. and Vinson, Elkins, Weems & Searls, Esperson Building, Houston 2, Texas, Attorneys for Defendant Gulf Oil Corporation.

Donovan Leisure Newton & Irvine, Two Wall Street, New York 5, N.Y. and Dorr, Hand, Whittaker & Peet, 61 Broadway, New York 6, N.Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

[fol. 41] Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company of California.

Sullivan & Cromwell, 48 Wall Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N.Y. and O. John Dorwin and Edmund Burke, Jr., 135 East 42nd Street, New York 17, N.Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So Ordered January 13, 1959.

John F. X. Murphy, U.S.D.J.

[fol. 42]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed March 4, 1959

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Cities Service Co., and now scheduled to begin on March 2, 1959, shall begin on April 6, 1959, at the same time and place.

Dated: New York, N.Y.
March 2, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff.

Milton Pollack, 111 Broadway, New York 5, N.Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[fol. 43] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N.Y. and

[File endorsement omitted]

Henry L. O'Brien and Park Holland, Jr., 70 Pine Street, New York 5, N.Y., Attorneys for defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Frederick L. Scofield, 17 Battery Place, New York 4, N.Y. and Vinson, Elkins, Weems & Searls, Es-
person Building, Houston 2, Texas, Attorneys for
Defendant Gulf Oil Corporation, by Frederick L.
Scofield.

Donovan, Leisure, Newton & Irvine, Two Wall
Street, New York 5, N.Y. and Dorr, Hand, Whit-
taker & Peet, 61 Broadway, New York 6, N.Y., At-
torneys for Defendant Socony Mobil Oil Co., Inc.

[fol. 44] Cahill, Gordon, Reindel & Ohl, 63 Wall
Street, New York 5, N.Y., Attorneys for Defen-
dant Standard Oil Company of California.

Kissam & Halpin, 120 Broadway, New York 5, N.Y.
and O. John Dorwin and Edmund Burke, Jr., 135
East 42nd Street, New York 17, N.Y., Attorneys
for Defendant The Texas Company, by Kissam &
Halpin.

So Ordered March 4, 1959.

David N. Edelstein, U.S.D.J.

[fol. 45]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed April 6, 1959

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Cities Service Co., and now scheduled to begin on April 6, 1959, shall begin on May 6, 1959, at the same time and place.

Dated: New York, N.Y.

April 2, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff.

Paul, Weiss, Rifkind, Wharton & Garrison, 575
Madison Avenue, New York 22, N. Y. and Henry
L. O'Brien and Park Holland, Jr., 70 Pine Street,
[fol. 46] New York 5, N. Y., Attorneys for defendant
Cities Service Company, by Paul, Weiss, Rifkind,
Wharton & Garrison.

[File endorsement omitted]

Milton Pollack, 111 Broadway, New York 5, N. Y.,
Attorney for defendant British Petroleum Com-
pany, Limited.

Sullivan & Cromwell, 48 Wall Street, New York 5,
N. Y., Attorneys for defendant Standard Oil Com-
pany (New Jersey).

Frederick L. Scofield, 17 Battery Place, New York
4, N. Y. and Vinson, Elkins, Weems & Searls, Es-
person Building, Houston 2, Texas, Attorneys for
defendant Gulf Oil Corporation, by Frederick L.
Scofield.

[fol. 47] Donovan, Leisure, Newton & Irvine, Two
Wall Street, New York 5, N. Y. and Dorr, Hand,
Whittaker & Watson, 61 Broadway, New York 6,
N. Y., Attorneys for defendant Socony Mobil Oil
Co., Inc.

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New
York 5, N. Y., Attorneys for defendant Standard
Oil Company of California.

Kissam & Halpin, 120 Broadway, New York 5, N. Y.
and O. John Dorwin and Edmund Burke, Jr., 135
East 42 Street, New York 17, N. Y., Attorneys for
defendant The Texas Company, by Kissam & Hal-
pin.

So Ordered April 6th, 1959.

Edmund L. Palmieri, U.S.D.J.

[fol. 48]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORPORATION, SOCONY MOBIL OIL Co., INC., STANDARD
OIL Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed May 6, 1959

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Cities Service Co., and now scheduled to begin on May 6, 1959, shall begin on May 20, 1959, at the same time and place.

Dated: New York, N. Y.

May 4, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N. Y., Attorneys for Plaintiff.

Paul, Weiss, Rifkind, Wharton & Garrison, 575
Madison Avenue, New York 22, N. Y. and Henry
L. O'Brien and Park Holland, Jr., 70 Pine Street,
[fol. 49] New York 5, N. Y., Attorneys for defendant
Cities Service Company, by Paul, Weiss, Rif-
kind, Wharton & Garrison.

•[File endorsement omitted]

Milton Pollack, 111 Broadway, New York 5; N. Y., Attorney for defendant British Petroleum Company, Limited.

Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for defendant Standard Oil Company (New Jersey).

Frederick L. Scofield, 17 Battery Place, New York 4, N. Y. and Vinson, Elkins, Weems & Searls, Esperson Building, Houston 2, Texas, Attorneys for defendant Gulf Oil Corporation, by Frederick L. Scofield.

[fol. 50] Donovan, Leisure, Newton & Irvine. Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whittaker & Watson, 61 Broadway, New York 6, N. Y., Attorneys for defendant Socony Mobil Oil Co., Inc..

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New York 5, N. Y., Attorneys for defendant Standard Oil Company of California.

Kissam & Halpin, 120 Broadway, New York 5, N. Y. and O. John Dorwin and Edmund Burke, Jr., 135 East 42 Street, New York 17, N. Y., Attorneys for defendant The Texas Company, by Kissam & Halpin.

So Ordered May 6th, 1959.

Richard H. Levet, U.S.D.J.

[fol. 51]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed May 27, 1959

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Cities Service Co., and now scheduled to begin on May 20, 1959, shall begin on September 21, 1959, at the same time and place.

Dated: New York, N.Y.
May 20, 1959.

So Ordered, Edelstein, J.

Filed May 27, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff.

Paul, Weiss, Rifkind, Wharton & Garrison, 575
Madison Avenue, New York 22, N.Y. and Henry
L. O'Brien and Park Holland, Jr., 70 Pine Street,
New York 5, N.Y., Attorneys for Defendant Cities
Service Company, by Paul, Weiss, Rifkind, Whar-
ton & Garrison.

[fol. 52] Milton Pollack, 111 Broadway, New York 5, N.Y., Attorney for Defendant British Petroleum Company, Limited.

Sullivan & Cromwell, 48 Wall Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Frederick L. Scofield, 17 Battery Place, New York 4, N.Y. and Vinson, Elkins, Weems & Searls, Es-
person Building, Houston 2, Texas, Attorneys for
Defendant Gulf Oil Corporation, by Frederick L.
Scofield.

Donovan, Leisure, Newton & Irvine, Two Wall
Street, New York 5, N.Y. and Dorr, Hand, Whit-
taker & Watson, 61 Broadway, New York 6, N.Y.,
Attorneys for Defendant Socony Mobil Oil Co.,
Inc.

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New
York 5, N.Y., Attorneys for Defendant Standard
Oil Company of California.

[fol. 53] Kissam & Halpin, 120 Broadway, New York
5, N.Y. and O. John Dorwin and Edmund Burke,
Jr., 135 East 42nd Street, New York 17, N.Y., At-
torneys for Defendant The Texas Company, by
Kissam & Halpin.

So Ordered May , 1959.

....., U.S.D.J.

[fol. 54]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed July 17, 1959

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Cities Service Co., and now scheduled to begin on September 9, 1959, shall begin on September 21, 1959; at the same time and place.

Dated: New York, N. Y.
July 10, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N. Y., Attorneys for Plaintiff.

Paul, Weiss, Rifkind, Wharton & Garrison, 575
Madison Avenue, New York 22, N. Y. and Henry
L. O'Brien and Park Holland, Jr., 70 Pine Street,
New York 5, N. Y., Attorneys for Defendant Cities
Service Company, by Paul, Weiss, Rifkind, Whar-
ton & Garrison.

[fol. 55] Milton Pollack, 111 Broadway, New York 5, N. Y., Attorney for Defendant British Petroleum Company, Limited.

Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Donovan, Leisure, Newton & Irvine, Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whitaker & Watson, 61 Broadway, New York 6, N. Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company of California.

[fol. 56] Kissam & Halpin, 120 Broadway, New York 5, N. Y. and O. John Dorwin and Edmund Burke, Jr., 135 East 42nd Street, New York 17, N. Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So Ordered July 17th, 1959.

Archie O. Dawson, U.S.D.J.

[fol. 57]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223.

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., GULF
OIL CORPORATION, SOCONY MOBIL OIL Co., INC., STANDARD
OIL Co. OF CALIFORNIA, STANDARD OIL Co. (NEW JERSEY),
THE TEXAS Co., Defendants.

STIPULATION—Filed September 21, 1959

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the resumption of the examination of plaintiff Waldron by defendant Cities Service Co., and now scheduled to begin on September 21, 1959, shall begin on October 26, 1959, at the same time and place.

Dated: New York, N.Y.
September 16, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff.

Paul, Weiss, Rifkind, Wharton & Garrison, 575
Madison Avenue, New York 22, N.Y. and Henry
L. O'Brien and Park Holland, Jr., 70 Pine Street,
New York 5, N.Y., Attorneys for Defendant Cities

[File endorsement omitted]

Service Company, by Paul, Weiss, Rifkind, Whar-
ton & Garrison.

[fol. 58] Milton Pollack, 111 Broadway, New York
5, N.Y., Attorney for Defendant British Petro-
leum Company, Limited.

Sullivan & Cromwell, 48 Wall Street, New York 5,
N.Y., Attorneys for Defendant Standard Oil Com-
pany (New Jersey).

Donovan, Leisure, Newton & Irvine, Two Wall
Street, New York 5, N.Y. and Dorr, Hand, Whit-
taker & Watson, 61 Broadway, New York 6, N.Y.,
Attorneys for Defendant Socony Mobil Oil Co.,
Inc.

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New
York 5, N.Y., Attorneys for Defendant Standard
Oil Company of California.

Kissam & Halpin, 120 Broadway, New York 5, N.Y.
and O. John Dorwin and Edmund Burke, Jr., 135
East 42nd Street, New York 17, N.Y., Attorneys
for Defendant The Texas Company, by Kissam
& Halpin.

So Ordered September 21st, 1959.

Sidney Sugarman, U.S.D.J.

[fol. 59]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff;

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—November 3, 1959

At the request of Richard S. Nelson, It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Richard S. Nelson pursuant to the subpoena duces tecum dated October 17, 1956 and served on October 22, 1956 by John C. O'Donnell, Esq., on behalf of Socony Mobil Oil Co., Inc., heretofore adjourned on March 26, 1958, to "a date in conformity with the order of United States District Judge Herlands signed February 11, 1958 in this action," be and the same hereby is further adjourned to November 17, 1959, said deposition to be taken at the United States District Court, Southern District of New York, Room 611A, Federal Court House, Foley Square, New York, N. Y., commencing at 10:30 A.M.

Dated: November 3, 1959.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

[fol. 60]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed December 4, 1959

At the request of Richard S. Nelson, It Is Hereby Stipulated, Consented and Agreed by and between the undersigned that the deposition of Richard S. Nelson pursuant to the subpoena duces tecum dated October 17, 1956 and served on October 22, 1956 by John C. O'Donnell, Esq., on behalf of Socony Mobil Oil Co., Inc., heretofore adjourned on November 3, 1959 to November 17, 1959, be and the same hereby is further adjourned to January 11, 1960, said deposition to be taken at the United States District Court, Southern District of New York, Room 611A, U. S. Court House, Foley Square, New York, N. Y., commencing at 10:30 A.M.

Dated: November 11, 1959.

Richard S. Nelson.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

[File endorsement omitted]

Donovan Leisure Newton & Irvine, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By James
R. Withrow, Jr.

Dorr, Hand, Whittaker & Watson, Attorneys for
Defendant Socony Mobil Oil Co., Inc., By G. H.
Dorr.

So Ordered: 12/2/59.

William B. Herlands, U.S.D.J.

[fol. 61]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed December 8, 1959

It Is Stipulated among the parties hereto that the depo-
sition program set forth in the order herein entered Febru-
ary 13, 1958, scheduled to continue with the deposition
of Richard S. Nelson, shall continue on January 11, 1960.

Dated: New York, N. Y., November 25, 1959.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiffs.

[File endorsement omitted]

Milton Pollack, 111 Broadway, New York 5, N. Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[fol. 62] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N. Y. and
Henry L. O'Brien and Park Holland, Jr., 70 Pine
Street, New York 5, N. Y., Attorneys for Defen-
dant Cities Service Company, by Paul, Weiss, Rif-
kind, Wharton & Garrison.

Donovan Leisure Newton & Irvine, Two Wall Street,
New York 5, N. Y. and Dorr, Hand, Whittaker &
Watson, 61 Broadway, New York 6, N. Y., Attor-
neys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New
York 5, N. Y., Attorneys for Defendant Standard
Oil Company of California.

[fol. 63] Sullivan & Cromwell, 48 Wall Street, New
York 5, N. Y., Attorneys for Defendant Standard
Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N. Y.
and O. John Dorwin and Edmund Burke, Jr., 135
East 42nd Street, New York 17, N. Y., Attorneys
for Defendant The Texas Company, by Kissam &
Halpin.

So Ordered: 12/8/59.

Sidney Sugarman, U.S.D.J.

[fol. 64]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), THE TEXAS CO., De-
fendants.

STIPULATION—Filed September 12, 1960

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, commencing with the examination of Richard S. Nelson by defendant Cities Service Company, and now scheduled to begin on September 13, 1960, shall begin on October 11, 1960, at the offices of Paul, Weiss, Rifkind, Wharton & Garrison, 575 Madison Avenue (12th floor), New York 22, N.Y., at a time to be agreed upon by the parties.

Dated: New York, N.Y., September 8, 1960.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff.

[fol. 65] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N. Y. and
Henry L. O'Brien and Park Holland, Jr., 70 Pine
Street, New York 5, N. Y., Attorneys for Defen-

[File endorsement omitted]

dant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Donovan Leisure Newton & Irvine, Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whittaker & Watson, 61 Broadway, New York 6, N. Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 63 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company of California.

Milton Pollack, 111 Broadway, New York 5, N. Y., Attorney for Defendant British Petroleum Company, Limited.

[fol. 66] Sullivan & Cromwell, 48 Wall Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N.Y., and O. John Dorwin and Amzy B. Steed, 135 East 42nd Street, New York 17, N.Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So ordered: 9/12/60.

Richard H. Levett, U.S.D.J.

[fol. 67]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), THE TEXAS CO., De-
fendants.

STIPULATION—Filed December 9, 1960

It Is Stipulated among the parties hereto that the depo-
sition program set forth in the order herein entered Feb-
ruary 13, 1958, scheduled to continue with the deposition
of James A. Bentley, shall continue at 10:30 a.m. on Janu-
ary 30, 1961 at the offices of Kissam & Halpin, 120 Broad-
way, New York, 5, N.Y.

Dated: New York, N.Y., December 8, 1960.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff and James A.
Bentley.

Milton Pollack, 111 Broadway, New York 5, N. Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[fol. 68] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N. Y. and
Henry L. O'Brien and Park Holland, Jr., 70 Pine

[File endorsement omitted]

Street, New York 5, N. Y., Attorneys for Defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Donovan, Leisure, Newton & Irvine, Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whittaker & Watson, 61 Broadway, New York 6, N. Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 80 Pine Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company of California.

[fol. 69] Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N. Y. and O. John Dorwin and Amzy B. Steed, 135 East 42nd Street, New York 17, N. Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So ordered: 12/9/60.

E. J. Dimock, U.S.D.J.

[fol. 70]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), THE TEXAS CO., De-
fendants.

STIPULATION—Filed January 18, 1961

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, scheduled to continue with the deposition of James A. Bentley, and now scheduled to begin on January 30, 1961, shall begin on April 17, 1961 at the same time and place.

Dated: New York, N. Y., January 17, 1961.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff and James A.
Bentley.

Milton Pollack, 111 Broadway, New York 5, N. Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[fol. 71] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N. Y. and
Henry L. O'Brien and Park Holland, Jr., 70 Pine

[File endorsement omitted]

Street, New York 5, N. Y., Attorneys for Defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Donovan, Leisure, Newton & Irvine, Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whittaker & Watson, 61 Broadway, New York 6, N. Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 80 Pine Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company of California.

[fol. 72] Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N. Y. and O. John Dorwin and Amzy B. Steed, 135 East 42nd Street, New York 17, N. Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So ordered: 1/18/61.

David N. Edelstein, U.S.D.J.

[fol. 73]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), THE TEXAS CO., De-
fendants.

STIPULATION—Filed April 14, 1961

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, scheduled to continue with the deposition of James A. Bentley, and now scheduled to begin on April 17, 1961, shall begin on June 19, 1961 at the same time and place.

Dated: New York, N.Y., April 13, 1961.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y., Attorneys for Plaintiff and James A.
Bentley.

Milton Pollack, 111 Broadway, New York 5, N. Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[fol. 74] Paul, Weiss, Rifkind, Wharton & Garrison,
575 Madison Avenue, New York 22, N.Y. and
Henry L. O'Brien and Park Holland, Jr., 70 Pine
Street, New York 5, N.Y., Attorneys for Defen-

[File endorsement omitted]

dant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Donovan, Leisure, Newton & Irvine, Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whittaker & Watson, 61 Broadway, New York 6, N. Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 80 Pine Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company of California.

[fol. 75] Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Kissam & Halpin, 120 Broadway, New York 5, N. Y. and O. John Dorwin and Amzy B. Steed, 135 East 42nd Street, New York 17, N. Y., Attorneys for Defendant The Texas Company, by Kissam & Halpin.

So ordered: 4/14/61.

Edmund L. Palmieri, U.S.D.J.

[fol. 76]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), THE TEXAS CO., De-
fendants.

STIPULATION—Filed November 3, 1961

It Is Stipulated among the parties hereto that the deposition program set forth in the order herein entered February 13, 1958, scheduled to continue with the deposition of James A. Bentley on October 30, 1961, shall continue at 10:30 A.M. on November 9, 1961 at the offices of Donovan Leisure Newton & Irvine, 2 Wall Street, New York 5, N. Y.

Dated: New York, N. Y., October 30, 1961.

Putney, Twombly, Hall & Skidmore, 165 Broadway,
New York 6, N. Y., Attorneys for James A. Bentley.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N. Y., Attorneys for Plaintiff.

Milton Pollack, 111 Broadway, New York 6, N. Y.,
Attorney for Defendant British Petroleum Com-
pany, Limited.

[File endorsement omitted]

[fol. 77] Paul, Weiss, Rifkind, Wharton & Garrison, 575 Madison Avenue, New York 22, N.Y., and Henry L. O'Brien and Park Holland, Jr., 70 Pine Street, New York 5, N.Y., Attorneys for Defendant Cities Service Company, by Paul, Weiss, Rifkind, Wharton & Garrison.

Donovan, Leisure, Newton & Irvine, Two Wall Street, New York 5, N.Y. and Dorr, Hand, Whitaker & Watson, 61 Broadway, New York 6, N.Y., Attorneys for Defendant Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, 80 Pine Street, New York 5, N.Y., Attorneys for Defendant Standard Oil Company of California.

[fol. 78] Sullivan & Cromwell, 48 Wall Street, New York 5, N. Y., Attorneys for Defendant Standard Oil Company (New Jersey).

Amzy B. Steed, 135 East 42nd Street, New York 17, N.Y., Attorney for Defendant Texaco Inc. (sued herein as The Texas Co.).

So Ordered: 11/2/61.

William B. Herlands, U.S.D.J.

[fol. 79]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORPORATION, SOCONY MOBIL OIL CO., INC., STANDARD
OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—April 6, 1962.

It Is Stipulated among the parties hereto that the deposition program set forth in the Order herein entered February 13, 1958 shall be modified in the following respects:

1. The deposition of Addison Brown shall be taken prior to the deposition of Ray Carter.
2. The deposition of Addison Brown shall be taken at Naples, Florida, during the week of April 23, 1962 and shall be concluded by April 28, 1962.
3. The deposition of Ray Carter shall be taken, if at all, either in Phoenix, Arizona or New York City unless otherwise stipulated between the parties hereto, at some time during the month of May upon two weeks notice.
4. The deposition program shall be concluded in its entirety on or before May 31, 1962.

It Is Further Stipulated that the time of each of the defendants to answer or make any motions with respect

[fol. 80] to the complaint is extended until June 30, 1962, unless otherwise agreed to among the parties.

Dated: New York, New York, April 6, 1962.

Donovan Leisure Newton & Irvine, Esqs., Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whitaker & Watson, Esqs., 61 Broadway, New York 6, N. Y., Attorneys for Defendant, Socony Mobil Oil Co., Inc.

Cahill, Gordon, Reindel & Ohl, Esqs., 63 Wall Street, New York 5, N. Y., Attorneys for Defendant, Standard Oil Company of California.

Sullivan & Cromwell, Esqs., 48 Wall Street, New York 5, N. Y., Attorneys for Defendant, Standard Oil Company (New Jersey).

Milton Pollack, Esq., 111 Broadway, New York 5 N. Y., Attorney for Defendant, British Petroleum Company, Limited.

Paul, Weiss, Rifkind, Wharton & Garrison, Esqs., 575 Madison Avenue, New York 22, New York.

Amzy B. Steed, Esq., 135 East 42d Street, New York 17, N. Y., Attorney for Defendant, Texaco, Inc. and

Casey Lane & Mittendorf, Esqs., 26 Broadway, New York 4, N. Y., Attorneys for Plaintiff.

So Ordered: 4/9/62.

William B. Herlands, U.S.D.J.

[fol. 81]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

v.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), and THE TEXAS CO.,
Defendants.

STIPULATION—Filed June 1, 1962

A stipulation dated April 6, 1962 having been entered into by all parties and having been so ordered by the Court on April 9, 1962 which, among other things, set the time of the defendants to answer or make motions with respect to the complaint herein at June 30, 1962, unless otherwise agreed to among the parties, and

Certain of the defendants, by their attorneys, having indicated an intention to address motions to the complaint prior to answering, and

Plaintiff, by his attorneys, having indicated an intention to seek amendment of the complaint in an effort to save the Court and all parties unnecessary work,

It Is Stipulated between the parties by their undersigned attorneys:

1. On or before June 15, 1962, the attorneys for plaintiff shall submit plaintiff's proposed amended complaint to the respective attorneys for each of the defendants.

[File endorsement omitted]

2. On or before June 30, 1962, the respective attorneys for each of the defendants will indicate to the attorneys for plaintiff whether or not they then intend to oppose a motion [fol. 82] to amend the original complaint as proposed. This shall be without prejudice to, and there are hereby expressly reserved, the rights of each of the defendants later to object to, or move against, all or any portions of the original complaint or of any amended complaint.

3. On or before July 31, 1962, plaintiff shall move to amend the complaint, and shall make such motion returnable on September 24, 1962 or as soon thereafter as counsel can be heard. Any papers in opposition to such motion shall be served on the attorneys for plaintiff not less than fourteen days before the return date of said motion. Any papers filed in reply by the attorneys for plaintiff shall be served on the respective attorneys for each of the defendants not less than four days before the return day of said motion.

4. Defendants, except defendant Cities Service Company, shall have 30 days after entry of an order by the Court on plaintiff's motion to amend within which to answer or move with respect to the complaint or amended complaint, unless otherwise ordered.

5. With respect to defendant Cities Service Company:

(a) this stipulation shall not be deemed to amend or modify any provision of the Order of this Court dated May 3, 1961, and shall be without prejudice to the rights and obligations of the parties pursuant to said Order; and

(b) the time of defendant Cities Service Company to further move or answer with respect to the complaint or amended complaint shall be extended until 30 days following the determination by the Court of defendant Cities Service Company's motion for summary judgment, or until the date [fol. 83] set forth in this stipulation for the answers or motions of all other defendants, whichever date shall be later.

Dated: New York, New York, May , 1962.

Sullivan & Cromwell, Esqs., 48 Wall Street, New York 5, N. Y., Attorneys for Defendant, Standard Oil Company (New Jersey).

Donovan Leisure Newton & Irvine, Esqs., Two Wall Street, New York 5, N. Y. and Dorr, Hand, Whitaker & Watson, Esqs., 61 Broadway, New York 6, N. Y., Attorneys for Defendant, Socony Mobil Oil Co., Inc.

Paul, Weiss, Rifkind, Wharton & Garrison, Esqs., 575 Madison Avenue, New York 22, N. Y., Attorneys for Defendant, Cities Service Co.

Cahill, Gordon, Reindel & Ohl, Esqs., 63 Wall Street, New York 5, N. Y., Attorneys for Defendant, Standard Oil Company of California.

Milton Pollack, Esq., 111 Broadway, New York 5, N. Y., Attorney for Defendant, British Petroleum Company, Limited.

Amzy B. Steed, Esq., 135 East 42nd Street, New York 17, N. Y., Attorney for Defendant, Texaco, Inc.

Casey Lane & Mittendorf, Esqs., 26 Broadway, New York 4, N. Y., Attorneys for Plaintiff.

So Ordered: 5/31/62.

William B. Herlands, U.S.D.J.

[fol. 84]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION—Filed July 6, 1962

At the request of counsel for plaintiff, it is hereby stipulated that plaintiff's examination of Cities Service provided by this Court's order dated May 3, 1961 and presently scheduled for July 2, 1962 is adjourned until September 10, 1962; and further

At the request of counsel for Cities Service it is hereby stipulated that the program for amending the complaint set forth in the stipulation between the parties dated May 31, 1962 is hereby stayed in all respects pending completion of plaintiff's examination of Cities Service.

Dated: New York, New York, July 2nd, 1962.

Sullivan & Cromwell, Esqs., 48 Wall Street, New
York 5, N. Y., Attorneys for Defendant Standard
Oil Company (New Jersey).

Cahill, Gordon, Reindel & Ohl, Esqs., 63 Wall Street,
New York 5, N. Y., Attorneys for Defendant Stand-
ard Oil Company of California.

[File endorsement omitted]

[fol. 85] Donovan Leisure Newton & Irvine, Esqs.,
Two Wall Street, New York 5, N. Y. and Dorr,
Hand, Whittaker & Watson, Esqs., 61 Broadway,
New York 6, N. Y., Attorneys for Defendant So-
cony Mobil Oil Co., Inc.

Paul, Weiss, Rifkind, Wharton & Garrison, Esqs.,
572 Madison Avenue, New York 22, N. Y., Attor-
neys for Defendant Cities Service Co.

Milton Pollack, Esq., 111 Broadway, New York 5,
N. Y., Attorney for Defendant British Petroleum
Company, Limited.

Amzy B. Steed, Esq., 135 East 42nd Street, New York
17, N. Y., Attorney for Defendant Texaco, Inc.

Casey Lane & Mittendorf, Esqs., 26 Broadway, New
York 4, N. Y., Attorneys for Plaintiff.

So Ordered: 7/5/62.

Edmund L. Palmieri, U.S.D.J. J.A.M.

[fol. 86]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., GULF
OIL CORP., SOCONY MOBIL OIL CO., INC., STANDARD OIL
CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY),
THE TEXAS CO., Defendants.

STIPULATION OF ADJOURNMENT—Filed September 7, 1962

It is hereby stipulated that plaintiff's examination of
Cities Service presently scheduled for September 10, 1962,
is adjourned until October 10, 1962.

Dated: New York, New York, September 4, 1962.

Casey, Lane & Mittendorf, 26 Broadway, New York
4, N.Y. (Wh 3-3000), Attorneys for Plaintiff.

Paul, Weiss, Rifkind, Wharton & Garrison, 575 Mad-
ison Ave., New York 22, N.Y. (Mu 8-5600), Attor-
neys for Defendant Cities Service Co.

So Ordered: 9/6/62.

Irving Ben Cooper, U.S.D.J., J.A.M.

[File endorsement omitted]

[fol. 87]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civ. No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO, INC., Defen-
dants.

STIPULATION—Filed July 19, 1963

It Is Hereby Stipulated and Agreed by and between the attorneys for plaintiff and the attorneys for the defendants indicated below that the time for each of said defendants to answer or to make any motion addressed to the amended complaint herein be and the same hereby is extended from July 25, 1963 to and including October 15, 1963. It is understood that the motions referred to in this stipulation do not include any motions directed against plaintiff's right to file an amended complaint.

Casey, Lane & Mittendorf, Esqs., Attorneys for
Plaintiff, By Samuel M. Lane.

Milton Pollack, Esq., Attorney for Defendant, Brit-
ish Petroleum Co., Ltd., By Milton Pollack.

[fol. 88] Donovan Leisure Newton & Irvine, Esqs.,
By James R. Withdraw, Jr., per James M. MacNee,
III and Mudge, Stern, Baldwin & Todd, Esqs.,

[File endorsement omitted]

Attorneys for Defendant, Socony Mobil Oil Co., Inc., By Goldthwaite H. Dorr.

Sullivan & Cromwell, Esqs., Attorneys for Defendant, Standard Oil Company (New Jersey), By George A. Scholze.

Cahill, Gordon, Reindel & Ohl, Esqs., Attorneys for Defendant, Standard Oil Co. of California, By William M. Sayre.

James O. Sullivan, Esq., Attorney for Defendant, Texaco, Inc., By James O. Sullivan,

So Ordered: 7/19/63.

Lloyd F. MacMahon, U.S.D.J., J.A.M.

[fol. 89]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO, INC., Defen-
dants.

STIPULATION AND ORDER—Filed July 30, 1963

It Is Hereby Stipulated, Consented to, and Agreed, by
and between the undersigned attorneys for plaintiff and
defendant Cities Service Company, that if the pending

[File endorsement omitted]

motion by Cities Service Company for summary judgment dismissing the complaint herein is denied, then defendant Cities Service Company shall have thirty (30) days after the determination of said motion in which to file its answer.

Dated: New York, N. Y., July 29, 1963.

Paul, Weiss, Rifkind, Wharton & Garrison, Attorneys for Defendant, Cities Service Company.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

So Ordered: July 30, 1963.

Irving Ben Cooper, United States District Judge.

[fol. 90]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civ. No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., SOCONY
MOBIL OIL Co., INC., STANDARD OIL Co. OF CALIFORNIA,
STANDARD OIL Co. (NEW JERSEY); TEXACO, INC., Defendants.

STIPULATION—October 14, 1963

It Is Hereby Stipulated and Agreed by and between the attorneys for plaintiff and the attorneys for the defendants indicated below that the time for each of said defendants to answer or to make any motion addressed to the amended complaint herein be and the same hereby is extended from October 15, 1963 to and including November 1, 1963. It is understood that the motions referred to in this stipulation

do not include any motions directed against plaintiff's right to file an amended complaint.

Dated: New York, N. Y., October 11, 1963.

Casey, Lane & Mittendorf, By Samuel M. Lane, Attorneys for Plaintiff.

Milton Pollack, Attorney for Defendant, British Petroleum Company, Limited.

[fel. 91] Donovan Leisure Newton & Irvine and Nixon, Mudge, Rose, Guthrie & Alexander, Mudge, Stern, Baldwin & Todd, Attorneys for Defendant, Standard Oil Company (New Jersey).

Cahill, Gordon, Reindel & Ohl, Attorneys for Defendant, Standard Oil Co. of California.

James O. Sullivan, Attorney for Defendant, Texaco, Inc.

So Ordered:

IBC, U.S.D.J.

Present: Cooper, J.

So Ordered By The Court 10-14-63.

Attest: James G. Valiche.

[fol. 92]

IN UNITED STATES DISTRICT COURT

(Letterhead of Paul, Weiss, Rifkind, Wharton & Garrison,
New York, N. Y. 10022)

November 11, 1963

Honorable William B. Herlands
United States District Judge
United States Court House
Foley Square
New York, New York

Re: Waldron v. British Petroleum, et al.
Civil Action No. 110-223

Dear Judge Herlands:

In the course of the hearing held on Friday morning, November 8, 1963, your Honor mentioned that you might consider postponing consideration of the pending motion of Cities Service for summary judgment, until the eventual disposition of the motion for summary judgment which has just recently been filed by the other defendants. While your Honor's procedure in this matter is, of course, a matter of internal judicial administration, I should like to request, as earnestly as I possibly can, that our motion for summary judgment, now pending for more than three and a half years, be ruled upon independently of the new motion for summary judgment.

I have had occasion before this time to mention to your Honor that the role of a defendant in this action is a particularly expensive and burdensome one. Accordingly, when it appeared that, for reasons peculiar to plaintiff's claim against Cities Service alone, there was no genuine issue of material fact to be tried against Cities Service, we filed our motion for summary judgment in order to put an end as quickly as possible to the expenses and burdens our client would endure in this litigation.

Since April 8, 1960, when our motion was first filed, we have expended a great deal of time and energy to this end. Counsel for plaintiff have of course had to resist our motion [fol. 93] with consequent expenditure of their services, and your Honor has had to invest the time and energy of the Court in the course of the many proceedings which have followed.

Our motion is now finally ready for decision. It in no way involves any of the issues now raised by the remaining defendants. It is a motion which is peculiar to the claims alleged by Mr. Waldron against Cities Service alone. Therefore, consideration of the defendants' new motion would in no way contribute to a resolution of our motion.

Indeed, the argument of the new motion will not be held until April 6, 1964. The great length of time involved, and the many other unrelated matters which will have to be developed and considered by your Honor in the course of your consideration of the new motion, will actually serve to impede, rather than aid, your Honor's consideration of our motion. A postponement of the disposition of Cities' motion would thus serve to dissipate the energies which the Court and counsel have already devoted to our motion, and, at the same time, continue to impose burdens on our client which might otherwise be avoided.

I, therefore, respectfully submit that our motion, filed on April 8, 1960, is in every respect ripe for decision. The plaintiff has completed his examination of defendant Cities Service Co. in the two factual areas relevant to the motion, and the matter has been fully briefed and argued on a number of occasions. I feel compelled to emphasize once again that the time and energy of the Court and of counsel may be largely wasted if a ruling on our motion is postponed, pending the eventual disposition of the new motion for summary judgment. I believe most strongly that the postponement of a ruling on our motion would be an act of false economy. It would hamper, rather than aid,

the consideration of our motion; it would increase, rather than eliminate, our client's expenses and burdens in this matter; and, finally, it would deprive our client of a ruling which we have sought to procure as diligently and industriously as we possibly could, and to which we believe our client is entitled now, regardless of the possible or probable outcome of the defendants' recent motion.

Respectfully yours,

/s/ SIMON H. RIFKIND
Simon H. Rifkind

cc: All Counsel

[fol. 94]

Proceedings

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM Co., LTD., CITIES SERVICE Co., SOCONY
MOBIL OIL Co., INC., STANDARD OIL Co. OF CALIFORNIA,
STANDARD OIL Co. (NEW JERSEY), TEXACO, INC., Defen-
dants.

CALENDAR OF PROCEEDINGS

This memorandum has been prepared in response to the Court's request for a chronology of proceedings in this action.

For convenient reference where appropriate, indented subparagraphs show the subsequent history of a particular calendared item.

1956

June 11 Complaint filed and summons issued.

Amended complaint filed and served July 12, 1963.

Defendants have not answered, pursuant to orders, stipulations and pending motions.

[fol. 95]

June 27 Defendants Jersey, Socony and Texaco notice examination of plaintiff to commence July 9, 1956. Socony also notices examination of Addison Brown and others.

Examination of plaintiff also subsequently noticed or stipulated by other defendants (Aug. 10, Aug. 24).

Examination of Nelson, Bentley, Zoes and Carter also subsequently noticed by Socony and Texaco (Oct. 10, Nov. 15) and subpoenas served.

June 28 Motions by defendants other than Gulf (by order to show cause signed by Judge Levet) to extend to Oct. 30, 1956 time to move, answer or otherwise plead to the complaint. Orders to show cause also extended time until 20 days after entry of an order upon determination of the motions, and stayed all further proceedings other than depositions theretofore noticed.

Hearing on July 3, 1956 before Judge Weinfeld; order extending time and determining other matters signed July 10, 1956.

June 29 Order signed by Judge Levet, on joint motion of plaintiff and Gulf, extending to September 30, 1956 Gulf's time to move, answer, plead or otherwise respond to complaint.

1956

July 3 Hearing before, and decision by, Judge Weinfeld on motions by defendants (other than Gulf) for extension of time, etc.

July 10 Order signed by Judge Weinfeld: (i) deposition of plaintiff to commence September 10, 1956;

[fol. 96]

(ii) time of defendants Cities Service, Socony, Jersey and Texaco to answer or move (other than motion as to personal jurisdiction, venue or process, which they waived) extended until 30 days after completion of deposition of plaintiff; (iii) time of defendants BP and Socal to answer or move, including any motion as to personal jurisdiction, venue or process, extended to either (a) August 25, 1956, without prejudice in the event such specified motion is denied to make a further application to extend time to move or answer, or (b) as provided in (ii) above with respect to other defendants if the specified motion is not made by August 25, 1956; (iv) plaintiff stayed from initiating discovery proceedings until five days after service of motions or answers.*

Aug. 10 Stipulation between plaintiff and Gulf, so ordered by Judge Walsh, providing that Gulf may take deposition of plaintiff commencing September 10, 1956, and extending Gulf's time to move or answer until 30 days after completion of plaintiff's deposition.

Aug. 16 Defendant Socal moves (by order to show cause signed by Judge Herlands) to set aside purported service of process on it on the grounds

* Subject to understanding of parties that plaintiff could apply for discovery in respect of any motion as to personal jurisdiction, venue or process.

1956

of lack of personal jurisdiction, improper venue, invalid service of process, etc. Order to show cause also extended time to move or answer until 20 days after service of an order determining the motion.

Plaintiff's interrogatories to Socal, dated August 31, 1956, in connection with Socal's motion to set aside service of process.

[fol. 97]

Additional summons and complaint served on Socal on September 5, 1956.

Supplemental motion by Socal to vacate service of process on September 20, 1956.

Defendant Socal noticed objections to plaintiff's interrogatories on September 28, 1956.

Stipulation of December 4, 1956 between plaintiff and Socal, so ordered by Judge Bicks on December 11, 1956, modifying certain of plaintiff's interrogatories and extending Socal's time to answer interrogatories.

Defendant Socal's answers to interrogatories verified January 8, 1957.

Defendant Socal's motion to set aside service of process argued before Judge Dawson on February 14, 1957.

Motion denied March 18, 1957.

Sept. 10 Deposition of plaintiff commenced.

Examination conducted on Sept. 10-14, 24-28, Oct. 30-31, Nov. 1-2, 5, 7-9, 13-15, 1956; Jan. 7-10, 17-18, 21-25, March 18, 20-22, 25-29, April 2-5, 8-9, June 13-14, 17-21, 24-28, July 1-3, 1957; Sept. 16-19, 22-23, 29-30, Oct. 1-3, 9-10, 14, 20-24, 27-31, Nov. 12-13, 1958; Feb. 24, Oct. 26-29, 1959; May 31, 1962.

1956

Sept. 26 Deposition of Bentley formally commenced and adjourned *sine die*.

Resumed June 19, 1961.

[fol. 98]

1957

Mar. 18 Decision of Judge Dawson denying Socal's motion to set aside service of process.

Apr. 12 Stipulation between plaintiff and Socal, so ordered by Judge Murphy, extending Socal's time to answer or move (other than motion as to personal jurisdiction, venue or process) until 30 days after completion of plaintiff's deposition and staying plaintiff from initiating discovery until five days after answer or motions.

Dec. 30 Plaintiff moves to terminate his deposition by Jersey and to vacate all notices by other defendants to take depositions of plaintiff and others, and also requests that defendants be compelled to move or answer and that his discovery commence.

Motion argued before Judge Herlands on January 30, 1958 and denied in all respects.

Defendants' proposed order served February 6, 1958, with notice of settlement on February 11, 1958.

Plaintiff's proposed counter-order served February 10, 1958.

Order signed by Judge Herlands on February 11, 1958.

1958

Feb. 11 Order on plaintiff's motion by Judge Herlands (with memorandum of February 13, 1958 listing the papers considered in connection with settlement of the order) provides: (i) plaintiff's mo-

1958
[fol. 99]

tion denied in all respects; (ii) plaintiff's deposition by Jersey to resume March 10, 1958 unless another date agreed by parties; (iii) schedule of number of days of examination of plaintiff by each defendant; (iv) order of examination of Nelson, Bentley, Boes, Carter and Brown, as theretofore noticed; (v) schedule of number of days of examination of said persons by each defendant; (vi) hours of daily examinations; (vii) completion of scheduled deposition program to have priority over the initiation of any discovery by plaintiff; (viii) time of defendants to answer or move extended to 30 days after completion of scheduled deposition program; (ix) retention of jurisdiction to modify schedules upon application.

Aug. 28 Plaintiff moves to be relieved of his stipulation re place of deposition.

September 5, 1958 stipulation of parties setting place of deposition and providing for withdrawal of plaintiff's motion, so ordered by Judge Edelstein September 8, 1958.

Sept. 23 Application by defendant Jersey to Judge Sugarman to compel plaintiff to answer certain questions on deposition which he was directed by his counsel not to answer. Briefs scheduled for Sept. 27, 1958.

Plaintiff withdrew objections to questions on Sept. 25, 1958 and application thereupon withdrawn.

Nov. 5 Plaintiff moves (by order to show cause signed by Judge Kaufman) to extend time to appear for deposition by Texaco until Jan. 5, 1959.

1958
[fol. 100]

Order by Judge Kaufman on Nov. 6, 1958 directing plaintiff to appear for examination on or before Nov. 12, 1958.

1959

May 1 Order by Judge Ryan referring the action to Judge Herlands for all purposes.

May 6 Plaintiff and defendant Gulf move jointly to dismiss claim against Gulf and to strike the name of Gulf as a defendant from the complaint.

Order by Judge Herlands on May 12, 1958 granting motion without opposition after hearing.

1960

Jan. 18 Deposition of Nelson commenced.

Examination conducted on Jan. 18-22, 25-29, Feb. 10, 16, 18, 23, 25, Mar. 1, 8, 10, 22, 24, 29, 31, Apr. 5, 12, 14, 26, 28, May 10, 12, June 2, 7, 16, Oct. 11-12, 1960.

Apr. 8 Defendant Cities Service moves for summary judgment dismissing the complaint as to it.

At a conference before Judge Herlands on Apr. 20, 1960, argument set for May 9, 1960. Argument of Cities Service motion on May 9, 1960, at which schedule set for supplemental affidavits and memoranda.

Memorandum opinion by Judge Herlands on March 30, 1961 postponing a decision of the

[fol. 101]

summary judgment motion pending appropriately supervised discovery and related pre-trial proceedings.

Proposed orders submitted by plaintiff and defendant Cities Service with notice of settlement on May 3, 1961.

1960

Hearing on order before Judge Herlands on May 3, 1961 and order signed adjourning summary judgment motion pending completion of specified examination of Cities Service by plaintiff pursuant to Rule 56(f).

Letter request on May 13, 1963 by Cities Service for final determination of motion for summary judgment. Cities Service motion for summary judgment pending.

1961

May 3 Order by Judge Herlands on Cities Service motion for summary judgment: (i) motion adjourned pending completion of examination of Cities Service by plaintiff pursuant to Rule 56(f); (ii) examination to commence 31 days after conclusion of deposition program set forth in order of Feb. 11, 1958; (iii) examination limited to two specified subjects, to be by Hill, and maximum of 10 days; (iv) within 20 days after examination, plaintiff and Cities Service may submit any portion of deposition for final consideration of pending motion.

June 19 Deposition of Bentley resumed from Sept. 26, 1956.

Examination conducted on June 19-20, 26-27, 30, Nov. 9-10, 14, 27-28, Dec. 18, 1961; Jan. 9, 1962.

[fol. 102]

1962

March 6 Deposition of Zoes commenced.

Examination conducted on Mar. 6-7, 13-15, 21, 27-28, Apr. 4, 1962.

1962

April 6 Stipulation by parties, so ordered by Judge Herlands on April 9, 1962, on remaining schedule of deposition program set forth in Order of Feb. 11, 1958, providing that program shall be concluded by May 31, 1962 and that defendants' time to move or answer extended to June 30, 1962 unless otherwise agreed.

April 19 Plaintiff moves for discovery of Carter documents in advance of any examination of Carter.

Motion withdrawn April 30, 1962.

April 25 Deposition of Brown commenced pursuant to additional notice by Socony dated April 18, 1962.

Examination conducted on April 25-27, 1962.

May 31 Stipulation by parties, so ordered by Judge Herlands, on procedures and schedule to be followed on proposed Amended Complaint, and setting time to answer or move: (i) as to defendants other than Cities Service, 30 days after entry of an order by the Court on plaintiff's motion to amend, and (ii) as to Cities Service, 30 days after determination of its motion for summary judgment, or date in (i), whichever is later.

[fol. 103]

July 2 Stipulation by parties, so ordered by Judge Palmieri on July 5, 1962, that the program for amending the complaint set forth in the May 31, 1962 stipulation be stayed pending completion of plaintiff's examination of Cities Service (commencement of which was adjourned to Sept. 10, 1962).

Amended complaint filed and served July 12, 1963.

1962

- Oct. 10 Deposition of Hill of Cities Service by plaintiff commenced.

Examination conducted on Oct. 10-11 (adjourned on Oct. 11, 1962 by stipulation, to be resumed on Nov. 8, 1962 pending motion by plaintiff for additional Cities Service documents or motion for protection order), Dec. 17, 27, 1962; Jan. 10, Feb. 27, 1963.

- Oct. 16 Stipulation by parties, so ordered by Judge Herlands, on non-disclosure of specified document produced by Cities Service to plaintiff.

- Nov. 7 Hearing before Judge Herlands on application of defendant Socal of Nov. 5, 1962 to adjourn deposition of Hill to Dec. 10, 1962 under specified conditions, and on oral cross-motion of defendant Cities Service that the deposition of Hill go forward under seal pending further order of the Court. Deposition adjourned pending hearing and determination of the application on Nov. 13, 1962.

Proposed order of Cities Service served Nov. 8, 1962, with notice of settlement on Nov. 13, 1962. Proposed counter-order of plaintiff served Nov. 12, 1962.

[fol. 104]

- Nov. 13 Further hearing before Judge Herlands. Leave granted to submit additional papers by Nov. 19, 1962.

Revised proposed counter-order submitted by plaintiff Nov. 19, 1962.

Plaintiff moves on Nov. 20, 1962 for additional discovery of Cities Service documents.

1962

- Dec. 5 Hearing before Judge Herlands on (i) settlement of order and (ii) plaintiff's motion for discovery of Cities Service documents. Plaintiff's motion for discovery denied in all respects. Parties directed to prepare new form of order for settlement to take account of subsequent developments, including letter of November 26, 1962 from the United States Attorney.

Proposed order of defendants served Dec. 7, 1962 with notice of settlement on Dec. 11, 1962. Proposed counter-order of plaintiff served Dec. 11, 1962 with notice of settlement on Dec. 13, 1962.

- Dec. 13 Order signed by Judge Herlands: (i) establishes procedures relating to the non-disclosure of certain information produced or given by Cities Service; (ii) defines scope of examination of Hill, to be resumed on Dec. 17, 1962.

1963

- Feb. 8 Hearing before Judge Herlands on plaintiff's application to obtain rulings on questions and objections at deposition of Hill. Rulings in accordance with transcript.

[fol. 105]

- Mar. 25 Letter application by plaintiff to obtain rulings on questions and objections at Feb. 27, 1963 deposition of Hill.

Memorandum decision by Judge Herlands on April 22, 1963 sustaining objections interposed by Cities Service.

- May 8 Plaintiff moves under Rule 56(f) for further documentary discovery and further examination by oral deposition of Cities Service.

1963

- May 13 Defendant Cities Service requests by letter a final determination of motion of summary judgment.
- May 27 Hearing before Judge Herlands on plaintiff's motion for further discovery against Cities Service and on Cities Service motion for summary judgment. Court establishes procedure for further development of points (Tr. pp. 58-60).
Decision on motions pending.
- July 12 Amended complaint filed and served.
Not answered by defendants pursuant to stipulation and pending motions.
- July 17 Stipulation extending to Oct. 15, 1963 time of defendants other than Cities Service to answer or move; so ordered on July 19, 1963 by Judge MacMahon.
- [fol. 106]
July 29 Stipulation between plaintiff and Cities Service providing that if its summary judgment motion is denied Cities Service shall have 30 days after said determination to file its answer; so ordered by Judge Cooper July 30, 1963.
- Oct. 11 Stipulation extending to Nov. 1, 1963 time of defendants other than Cities Service to answer or move; so ordered on Oct. 14, 1963 by Judge Cooper.
- Nov. 1 Defendants other than Cities Service move: (i) to dismiss the action and for summary judgment; (ii) for a pre-trial order and to strike.

1963

Motions pending. Schedule for service and filing of papers and oral argument established at hearing on Nov. 8, 1963.

Nov. 7 Defendants move to compel Bentley to sign his deposition forthwith.

At hearing on Nov. 8, 1963, argument of the motion scheduled for Nov. 21, 1963.

Bentley deposition, signed and sworn to by him, delivered to defendants Nov. 19, 1963 and motion accordingly withdrawn as moot.

Nov. 8 Hearing before Judge Herlands at which schedule established on defendants' motion to dismiss and for summary judgment: (i) plaintiff's answering memorandum by Feb. 17, 1964; (ii) defendants' reply memorandum by March 16, [fol. 107] 1964; (iii) oral argument on April 6, 1964. Timetable for service and filing of papers and argument on motion for a pre-trial order and to strike kept open and no dates fixed in connection therewith.

Respectfully submitted,

ATTORNEYS FOR ALL DEFENDANTS

January 10, 1964

[fol. 108]

IN UNITED STATES DISTRICT COURT
(Letterhead of Casey, Lane & Mittendorf,
New York 4, N. Y.)

February 3, 1964

Hon. William B. Herlands
U.S. District Court
U.S. District Court House
Foley Square
New York, N.Y. 10007

RE: *Waldron v. British Petroleum*

Dear Judge Herlands:

I write in support of an application which I have asked my associate Robert P. Beshar to make to Your Honor for an extension of time to file papers in opposition to defendants' motion for summary judgment.

Not only is it going to be impossible for us to do justice to our side of the case in the time provided, but I will be out of the City until February 16 on the first vacation that I have had for several years. Our papers are due to be served and filed on February 17. When the schedule was agreed upon I was engaged in a trial in White Plains so that I was unable to be present. Since then I have been at my desk every day (Saturday and Sunday included) and many nights, except for Christmas and except for four or five days when I was away on business. Your Honor, I know, appreciates the strain of such a pace and knows that I would not ask for a break unless I needed it badly. This, in fact, is the first time that I have ever requested such a courtesy.

Although my confidence in Mr. Beshar is unbounded the responsibility for opposing the pending motion is mine, not his, and I must attend to it personally.

Accordingly, I respectfully ask that the time for the submission of plaintiff's papers be *extended to March 17* if that is agreeable to all counsel.

Respectfully yours,

/s/ SAMUEL M. LANE

AS

SML:AS

[fol. 109]

IN UNITED STATES DISTRICT COURT

(Letterhead of Paul, Weiss, Rifkind, Wharton & Garrison,
New York, N. Y. 10022)

February 14, 1964

Hon. William B. Herlands
U.S. District Court
U.S. District Court House
Foley Square
New York, N.Y. 10007

Re: *Waldron v. British Petroleum* Civ. No. 110-223

Dear Judge Herlands:

We received a copy of Mr. Lane's letter of February 3 requesting an adjournment of one month for the filing of certain papers on the motion for summary judgment made by the other defendants, to which Cities Service is not a party. We have no objection to—indeed we have no interest in—the proposed adjournment since as we wrote Your Honor on November 11, 1963, in our view the motion made by the other defendants has nothing to do with the motion for summary judgment made by defendant Cities Service on April 8, 1960.

As we pointed out to Your Honor on November 11, 1963, in our view Cities Service's motion is in every respect ripe

for decision. The postponement of a determination of Cities Service's motion until the other motion is considered would, in our view, be an act of false judicial economy.

We again most respectfully urge that the Court proceed to dispose of Cities Service's motion for summary judgment.

Respectfully yours,

/s/ EDWARD N. COSTIKYAN
Edward N. Costikyan

Copies to all counsel

[fol. 110]

IN UNITED STATES DISTRICT COURT

(Letterhead of Paul, Weiss, Rifkind, Wharton & Garrison,
New York, N. Y. 10022)

March 19, 1964

Hon. William B. Herlands
United States District Court
United States Courthouse
Foley Square
New York, N.Y. 10007

Re: Waldron v. British Petroleum, *et al.*;
Civil Action No. 110-223

Dear Judge Herlands:

We recently received a copy of plaintiff's memorandum in opposition to the motion for summary judgment made by all defendants other than Cities Service. This motion has nothing to do with Cities Service's motion for summary judgment, which was finally submitted to the Court for decision on September 18, 1963. We, therefore, will not respond to plaintiff's memorandum, except to protest against plaintiff's grossly unfair statements regarding Cities Service.

Plaintiff, in a completely irrelevant *ad hominem* argument, has claimed that Cities Service has "successfully taken up three years of the Court's and the litigants' time . . . [with] . . . the purpose and the result" of delaying plaintiff's discovery (Plaintiff's Memo, page 5).

On May 3, 1961, almost three years ago, plaintiff was given the right to examine Cities Service Co. for ten days. It was not until almost two years later, February 8, 1963, that plaintiff completed the examination of Cities Service. [fol. 111] Because of further motions by plaintiff, it was not until September 18, 1963 that our motion for summary judgment was finally submitted to your Honor for determination. For plaintiff to charge Cities Service with delay over the last three years is to add an unfair insult to an unfair injury.

We respectfully urge once again that Cities Service's motion for summary judgment is ready for final determination and that our client is now entitled to the opportunity to be relieved of further expense and harassment in this matter.

Respectfully yours,

/s/ SIMON H. RIFKIND
Simon H. Rifkind

Copies to all counsel.

[fol. 112]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

VS.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO, INC., Defen-
dants.

STIPULATION—Filed August 7, 1964

It Is Hereby Stipulated by and between the attorneys for plaintiff and the attorneys for the defendants indicated below, subject to the approval of the Court, that the following shall be the dates for the service of plaintiff's opposition and the moving defendants' replies, and for oral argument, on the motion of said defendants to strike and for a pre-trial order dated November 1, 1963 and heretofore served on plaintiff:

1. Plaintiff shall serve his opposition papers to said motion by October 9, 1964.
2. The moving defendants shall serve their replies by November 2, 1964.
3. Oral argument shall be held before Judge Herlands at 10:00 A.M. on Monday, November 9, 1964.

Dated: New York, N. Y., August 6, 1964.

Casey, Lane & Mittendorf, Attorneys for Plaintiff,
By Samuel M. Lane.

[File endorsement omitted]

[fol. 113] Milton Pollack, Attorney for Defendant
British Petroleum Company, Limited.

Donovan Leisure Newton & Irvine and Nixon,
Mudge, Rose, Guthrie & Alexander, Attorneys for
Defendant Socony Mobil Oil Co., Inc.

Sullivan & Cromwell, Attorneys for Defendant
Standard Oil Company (New Jersey).

Cahill, Gordon, Reindel & Ohl, Attorneys for De-
fendant Standard Oil Co. of California.

James O. Sullivan, Attorney for Defendant Texaco,
Inc.

So Ordered:

William B. Herlands, U.S.D.J.

[fol. 114]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO INC., Defen-
dants.

STIPULATION—Filed November 5, 1964

Defendants British Petroleum Company Limited, Socony
Mobil Oil Company, Inc., Standard Oil Company of Cali-

[File endorsement omitted]

fornia, Standard Oil Company (New Jersey) and Texaco Inc. having moved, pursuant to Rules 12(f) and 16 of the Federal Rules of Civil Procedure, for an order

- (a) Striking, from Par. 8 of the Amended Complaint in this action, the allegation

"As set forth in great detail in *United States v. Standard Oil Company* (New Jersey), et al.*, Civil Action No. 86-27, the so-called 'Oil Cartel Case' now pending in this Court,"

- (b) Directing that Civil Action No. 86-27 be excluded from the scope of discovery and other pre-trial procedures in this case;

It Is Hereby Stipulated by the undersigned that said motion be disposed of, subject to the approval of Honorable William B. Herlands, in the following manner:

[fol. 115] 1. In the event of a trial by jury in this action, the allegation quoted above from Par. 8 of the Amended Complaint herein shall not be brought to the attention of the jury in this action. Upon application by any party, the Court will determine by pre-trial order or otherwise whether any other reference to Civil Action No. 86-27 may be made in the presence of the jury in this action. Provided, however, that with respect to any of the substantive matters which are referred to in Civil Action No. 86-27 nothing herein shall prejudice (a) any rights that plaintiff may have to refer to such matters in this action, or (b) any rights that any of the undersigned defendants may have to object to such reference on the grounds of relevancy or otherwise.

2. The fact that any matter has been the subject of discovery in Civil Action No. 86-27 shall not of itself, except as the Court may otherwise rule upon application by any party, provide the basis or be a ground for justifying or opposing discovery of such matter in this action, provided, however, that nothing herein shall prejudice (a)

any rights that plaintiff may have to refer to or rely upon the fact of such discovery in Civil Action No. 86-27, or (b) any rights that any of the undersigned defendants may have to object to such discovery in this action on the grounds of relevancy or otherwise.

3. If at any time in the course of further proceedings in this action, any undersigned defendant is required to make any disclosure which, in the opinion of said defendant, has been prohibited by any governmental authority, said defendant shall promptly give notice thereof to this Court and to counsel for the other parties, whereupon this [fol. 116] Court will conduct such further proceedings as to this Court may seem appropriate, and in such further proceedings said defendant shall assume the burden of establishing that it is entitled to be relieved from such requirement.

4. Nothing in this order shall be construed to prejudice, or as a waiver of, any right not specifically mentioned herein.

Dated: New York, N. Y., November 4, 1964.

Casey Lane & Mittendorf, Attorneys for Plaintiff:

Milton Pollack, Attorney for Defendant British Petroleum Company Limited.

Donovan Leisure Newton & Irvine; Nixon, Mudge, Rose, Guthrie & Alexander, Attorneys for Defendant Socony Mobil Oil Company, Inc.

Cahill, Gordon, Reindel & Ohl, Attorneys for Defendant Standard Oil Company of California.

Sullivan & Cromwell, Attorneys for Defendant Standard Oil Company (New Jersey).

R. B. Wills, Attorney for Defendant Texaco Inc.

Approved and So Ordered. November 4, 1964.

William B. Herlands, U.S.D.J.

[fol. 117]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

vs.

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO INC., Defen-
dants.

STIPULATION—Filed November 6, 1964

It Is Hereby Stipulated and Agreed by and between the attorneys for plaintiff and the attorneys for the defendants indicated below that the time for each of said defendants to answer the amended complaint herein be and the same hereby is extended from ten days after the entry of the Court's order on said defendants' motion to strike and for a pre-trial order to and including thirty days after said entry, unless otherwise ordered.

Dated: New York, New York, November 4, 1964.

Casey, Lane & Mittendorf, Attorneys for Plaintiff.

Milton Pollack, Attorney for Defendant British Petroleum Company, Limited.

[fol. 118] Donovan, Leisure, Newton & Irvine and
Nixon, Mudge, Rose, Guthrie & Alexander, Attor-
neys for Defendant Socony Mobil Oil Co., Inc.

[File endorsement omitted]

Sullivan & Cromwell, Attorneys for Defendant
Standard Oil Company (New Jersey).

Cahill, Gordon, Reindel & Ohl, Attorneys for De-
fendant Standard Oil Co. of California.

James O. Sullivan, Attorney for Defendant, Texaco,
Inc.

So Ordered: November 5, 1964.

William B. Herlands, U.S.D.J.

[fol. 119]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO INC., Defen-
dants.

ORDER—November 10, 1964

Messrs. Casey, Lane & Mittendorf having suggested
upon the record on November 9, 1964, pursuant to Rule
25(a) F.R.Civ.P., that the plaintiff herein has died, it is
hereby

Ordered that all further proceedings in this action be
and the same hereby are stayed, and all times heretofore
set for hearings and pleadings be and the same hereby are

[File endorsement omitted]

deferred, until further order of the Court, except a motion in accordance with Rule 25(a) F.R.Civ.P.

Dated: New York, New York, November 10, 1964.

William B. Herlands, U.S.D.J.

[fol. 120]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 110-223

GERALD B. WALDRON, individually and doing business as
CONSOLIDATED BROKERAGE, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO INC., Defen-
dants.

MEMORANDUM-DECISION—February 9, 1965

HERLANDS, District Judge:

The Court hereby grants the motion of Patricia Waldron for an order pursuant to Rule 25(a) F.R.C.P. substituting her, in her capacity as executrix of the last will and testament of the deceased plaintiff, Gerald B. Waldron, as plaintiff in this action.

The defendants have not opposed the granting of this motion.

Agreeing with the position urged by the defendants, the Court will defer—pending the adjudication of liability [fol. 121] by trial or otherwise—a determination of the issue relating to the survivability of the claim for the trebling of the alleged actual damages, and of the claim for

attorneys' fees, in the event it should become necessary to consider that issue in this action.

So ordered.

William B. Herlands, U. S. D. J.

Dated: New York, N. Y., February 9, 1965.

[fol. 122]

IN UNITED STATES DISTRICT COURT

CABLE ADDRESS: "LADYCOURT," NEW YORK

SULLIVAN & CROMWELL

48 Wall Street, New York 5

Honorable William B. Herlands
United States District Judge,
United States Court House,
Foley Square,
New York, N. Y. 10007

Re: Patricia Waldron, as executrix, etc.
v. British Petroleum Co. Ltd., et al.—
Civ. Action No. 110/223

Dear Judge Herlands:

At the February 9, 1965 hearing, in response to my inquiry about fixing a time for answer depending upon the outcome of Cities Service's renewed motion for summary judgment and plaintiff's cross-motion, your Honor said that a spokesman for the defense should activate the Court and other counsel with respect to any matters still pending when those motions had been disposed of (Transcript of February 9, 1965 hearing, page 47). The purpose of this letter is to report on the steps that have been taken in this regard.

After reviewing your Honor's opinion of September 8, 1965 and the judgment of September 14, 1965 granting Cities Service's motion and denying plaintiff's cross-motion, counsel for the defendants other than Cities Service ("defense counsel") conferred as to their effect on further procedures in the case, particularly if plaintiff appealed. Thereafter, on September 24, 1965, defense counsel wrote to plaintiff's counsel (copy enclosed) asking about plans for appeal in order to attempt to work out further procedures. In a telephone conversation on September 27, 1965, plaintiff's counsel agreed with defense counsel that, pending final word on the filing of an appeal, any matters with respect to the remaining defendants should remain in abeyance. Defense counsel's letter of September 28, 1965 confirming this conversation is enclosed.

On September 30, 1965, plaintiff's counsel wrote that his client had authorized him to appeal and the appeal was thereafter taken. Defense counsel then gave extensive attention to the question of whether the filing of the notice [fol. 123] of appeal automatically transferred jurisdiction of the entire case to the Court of Appeals, so that the case could not go forward with respect to the remaining defendants. We also further studied the practical impact of the Cities Service decision on the remainder of the case. We determined that, regardless of the jurisdictional question, the outcome of plaintiff's appeal would have far-reaching consequences on the nature of plaintiff's claim and on further procedures in the trial court, and that there might be substantial timing problems in plaintiff's prosecuting the appeal and simultaneously proceeding in the trial court against the other defendants. Defense counsel therefore telephoned plaintiff's counsel on October 18, 1965 and proposed that the parties stipulate that the proceedings in the District Court be held in abeyance pending final determination of the appeal. Mr. Lane at first expressed some reluctance at this approach but then said that he was heavily engaged at the moment and would like to consider the mat-

ter and talk further with defense counsel about how to proceed.

Since that time we have communicated with plaintiff's counsel and the discussions are still open. We nonetheless felt, in view of your statement at the February 9th hearing, that we should advise your Honor of our evaluation of the problems in our present situation, and of our efforts to meet them.

Respectfully,

/s/ ARTHUR H. DEAN
Arthur H. Dean

Copies to: Samuel M. Lane, Esq.
Defense Counsel

[fol. 123a]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. Civil 110-223

PATRICIA WALDRON, as executrix of the last will and
testament of GERALD B. WALDRON, deceased, Plaintiff,
—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY
MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA,
STANDARD OIL CO. (NEW JERSEY), TEXACO, INC., Defen-
dants.

CLERK'S CERTIFICATE

I, John J. Olear, Jr., Clerk of the District Court of the United States for the Southern District of New York, do hereby certify that we are transmitting herewith the annexed papers and documents pursuant to the order of the Hon. Harold R. Tyler, Jr., dated June 1, 1967.

In Testimony Whereof I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, this 6th day of June, in the year of our Lord, one thousand nine hundred and sixty-seven and of the Independence of the United States the one hundred and ninety-first.

John J. Olear, Jr., Clerk of the Court.

[fol. 124]

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICIA WALDRON, as executrix of the last will and testament of GERALD B. WALDRON, deceased, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY), TEXACO, INC., Defendants.

Civil Action No. 110-223

ORDER—June 1, 1967.

Upon the annexed affidavit of Edward N. Costikyan, sworn to June 1, 1967, together with the exhibits thereto, and upon the Order of the Supreme Court of the United States entered on April 24, 1967 in *Waldron v. Cities Service Co.*, (October 1966 Term, No. 744), it is

Ordered that the original papers in the above-entitled action specified in Exhibit A to said affidavit, or duplicate copies thereof if the originals cannot be found, be trans-

[File endorsement omitted]

mitted to the Clerk of the Supreme Court of the United States pursuant to Rule 12 of the Rules of said Court.

Dated: New York, N. Y., June 1st, 1967.

H. R. Tyler, Jr., U.S.D.J.

[fol. 125]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civil Action No. 110-223

PATRICIA WALDRON, as executrix of the last will and testament of GERALD B. WALDRON, deceased, Plaintiff,

—against—

BRITISH PETROLEUM CO., LTD., CITIES SERVICE CO., SOCONY MOBIL OIL CO., INC., STANDARD OIL CO. OF CALIFORNIA, STANDARD OIL CO. (NEW JERSEY), TEXACO, INC., Defendants.

AFFIDAVIT

STATE OF NEW YORK,
COUNTY OF NEW YORK, ss.:

EDWARD N. COSTIKYAN, being duly sworn, deposes and says:

1. I am a member of Paul, Weiss, Rifkind, Wharton & Garrison, attorneys for defendant Cities Service Co. ("Cities Service") herein. I submit this affidavit in support of Cities Service's application for an order directing the Clerk of this Court to transmit additional papers to the Supreme Court of the United States.

2. On February 16, 1966, the Supreme Court granted a writ of certiorari in the above entitled action (*sub nom. Waldron v. Cities Service Co.*, October 1966 Term, No.

744). In proceedings to designate the record upon which this case would be considered, Cities Service moved in the Supreme Court on February 11, 1967 for an order requiring [fol. 126] certification of additional parts of the record. (A copy of this motion is attached hereto as Exhibit A.)

3. On April 24, 1967, the Supreme Court granted this motion and ordered that the additional papers described in Exhibit A—all of which are in the possession of the Clerk of this District Court—be certified and transmitted to the Clerk of the Supreme Court. (See Exhibit B annexed hereto.)

4. I have been informed that the Clerk of the Supreme Court is currently in the process of assembling the record in this case for printing. Therefore, in order to save both time and expenses, I respectfully request that this Court direct that the original additional papers specified by the Supreme Court, and identified in Exhibit A hereto, or duplicate copies thereof if the originals cannot be found, be certified and forwarded to the Clerk of the Supreme Court.

Edward N. Costikyan

Subscribed and sworn to before me this 1st day of June, 1967.

MELVIN GOLDSTEIN

Notary Public, State of New York

No. 31-1494602

Qualified in New York County

Commission Expires March 30, 1969

[fol. 127]

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1966

No. 744

PATRICIA WALDRON, as Executrix of the Last Will and
Testament of GERALD B. WALDRON, Deceased, Petitioner,

—against—

CITIES SERVICE Co., Respondent.

RESPONDENT'S MOTION TO REQUIRE
CERTIFICATION OF ADDITIONAL PARTS OF THE RECORD

Respondent moves, pursuant to Rule 26, paragraph 5, of the Revised Rules of the Supreme Court of the United States, for an order requiring certification of the documents described in Schedule A hereto, each of which is part of the record in this action on file with the United States District Court for the Southern District of New York. The grounds of the motion are as follows:

1. This is an appeal from an order of the United States District Court for the Southern District of New York (Herlands, J.), unanimously affirmed by the Second Circuit, granting summary judgment in favor of respondent (one of six defendants below) and denying petitioner (plaintiff below) further discovery with respect to the conclusory allegations in the amended complaint concerning respondent. At the time summary judgment was granted, respondent's officers had been examined on 15 separate days and an extensive production of documents had been made by respondent with respect to all claims asserted against it.

[fol. 128] 2. Respondent has not previously certified the documents described in Schedule A because when the record was certified to the Second Circuit, respondent had no reason to foresee that these documents would relate to any question presented by the appeal. However, issues raised by petitioner, after the certification of the record, make it essential that these documents now be made part of the record to this Court.

3. In her argument before the Second Circuit (which, of course, followed the certification of the record to that Court) and in her petition for certiorari, petitioner made much of the facts: that this action was commenced in 1956; that there had been substantial discovery by defendants other than respondent; that, except for discovery against respondent, petitioner had had no discovery of any other defendant; and that no answers had been served. These contentions are irrelevant to the issues raised by respondent's motion for summary judgment and were not pressed by petitioner before the District Court.

4. Because of the irrelevancy of these contentions and petitioner's failure to press them in the District Court, respondent saw no need to certify to the Second Circuit documents which relate to the reasons for the lawsuit's age, the history of discovery, or the history of pleadings. However, since petitioner's arguments in the Second Circuit and her petition for certiorari stress these matters, there is now every reason to believe that petitioner's brief to this Court will do the same.

5. While we believe that these matters are wholly irrelevant, we fear that respondent might be prejudiced [fol. 129] if it were denied the opportunity to rebut petitioner's contentions by demonstrating to this Court the facts: (a) that petitioner is responsible for the age of the case and for the very history complained of; and (b) that respondent bears no responsibility for any of this.

6. The documents described in Schedule A will serve to establish these facts. As the need for certification of

these documents could not have been anticipated prior to the service of petitioner's brief to the Second Circuit, we respectfully submit that they should be certified now so that the record will be complete on all matters which might be raised on the appeal to this Court.

7. Finally, we note that the parties to this appeal have agreed in the stipulation forming the record on appeal to the Second Circuit, dated November 18, 1965, "that either party may designate any additional original file papers as comprising the record on appeal and said additional papers shall be deemed to have been included in the stipulation" forming the record (Verified Record on Appeal, pp. 12131-12135). Accordingly, we further respectfully submit that the present motion should be granted not only for the reasons stated above, but also because of this stipulation under which either party could add original file papers to the record on appeal by mere designation of such papers.

Respectfully submitted,

Simon M. Rifkind, Edward N. Costikyan, Jay Greenfield, Counsel for Respondent, 575 Madison Avenue, New York, N.Y. 10022, By Jay Greenfield.

Of Counsel:

Paul, Weiss, Rifkind, Wharton & Garrison

Dated: February 11, 1957.

[fol. 130]

SCHEDULE A

(All documents have been filed with the United States District Court for the Southern District of New York; Civil Action No. 110-223)

Stipulation between plaintiff and defendant Gulf Oil Corporation, so ordered on August 10, 1956.

Stipulation dated November 30, 1956, between plaintiff and defendant Socony Mobil Oil Co., Inc.

Stipulation dated January 9, 1957, between James W. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated January 9, 1957, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated January 22, 1957, between Richard S. Nelson, plaintiff, and defendants Socony Mobil Oil Co., Inc. and The Texas Company.

Stipulation dated March 20, 1957, between Richard S. Nelson, plaintiff, and defendants Socony Mobil Oil Co., Inc. and The Texas Company.

Stipulation dated March 20, 1957, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated March 29, 1957, between James E. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated March 29, 1957, between James A. Bentley, plaintiff, and defendant The Texas Company.

Stipulation dated May 14, 1957, between Richard S. Nelson, plaintiff, and defendants Socony Mobil Oil Co., Inc. and The Texas Company.

Stipulation dated May 16, 1957, between James A. Bentley, plaintiff, and defendant The Texas Company.

Stipulation dated May 16, 1957, between James E. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated May 16, 1957, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated September 25, 1957, between James E. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated September 25, 1957, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated September 25, 1957, between James A. Bentley, plaintiff, and defendant The Texas Company.

Stipulation dated September 25, 1957, between Richard S. Nelson, plaintiff, and defendants Socony Mobil Oil Co., Inc. and The Texas Company.

Stipulation dated November 12, 1957, between James A. Bentley, plaintiff, and defendant The Texas Company.

[fol. 131] Stipulation dated November 12, 1957, between Richard S. Nelson, plaintiff, and defendants Socony Mobil Oil Co., Inc. and The Texas Company.

Stipulation dated November 12, 1957, between James E. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated November 12, 1957, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated January 14, 1958, between James A. Bentley, plaintiff, and defendant The Texas Company.

Stipulation dated January 14, 1958, between Richard S. Nelson, plaintiff, and defendants Socony Mobil Oil Co., Inc. and The Texas Company.

Stipulation dated January 14, 1958, between James E. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated January 14, 1958, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated March 7, 1958, between all parties.

Stipulation dated March 7, 1958, between Ray Carter, plaintiff, and defendant The Texas Company.

Stipulation dated March 7, 1958, between James E. Zoes, plaintiff, and defendant The Texas Company.

Stipulation dated March 7, 1958, between James A. Bentley, plaintiff, and defendant The Texas Company.

Stipulation dated March 7, 1958, between Richard S. Nelson, plaintiff, and defendant The Texas Company.

Stipulation dated March 26, 1958, between Richard S. Nelson, plaintiff, and defendant Socony Mobil Oil Co., Inc.

Stipulation dated April 3, 1958, between all parties.

Stipulation dated January 9, 1959, between all parties other than defendant Gulf Oil Corp.

Stipulation dated March 2, 1959, between all parties.

Stipulation dated April 2, 1959, between all parties.

Stipulation dated May 4, 1959, between all parties.

Stipulation dated May 20, 1959, between all parties.

Stipulation dated July 10, 1959, between all parties.

Stipulation dated September 16, 1959, between all parties.

Stipulation dated November 3, 1959, between Richard S. Nelson, plaintiff, and defendant Socony Mobil Oil Co., Inc.

Stipulation dated November 11, 1959, between Richard S. Nelson, plaintiff, and defendant Socony Mobil Oil Co., Inc.

[fol. 132] Stipulation dated November 25, 1959, between all parties.

Stipulation dated September 8, 1960, between all parties.

Stipulation dated December 8, 1960, between all parties.

Stipulation dated January 17, 1961, between all parties.

Stipulation dated April 13, 1961, between all parties.

Stipulation dated October 30, 1961, between all parties.

Stipulation dated April 6, 1962, between all parties.

Stipulation dated May 31, 1962, between all parties.

Stipulation dated July 2, 1962, between all parties.

Stipulation dated September 10, 1962, between all parties.

Stipulation dated September 4, 1962, between plaintiff and defendant Cities Service Company.

Stipulation between all parties, other than defendant Cities Service Company, so ordered July 19, 1963.

Stipulation dated July 29, 1963, between defendant Cities Service Company and plaintiff.

Stipulation dated October 11, 1963, between all parties other than defendant Cities Service Company.

Letter from Simon H. Rifkind to the Hon. William B. Herlands, dated November 11, 1963.

Calendar proceedings, dated January 10, 1964.

Letter from Samuel M. Lane to the Hon. William B. Herlands, dated February 3, 1964.

Letter from Edward N. Costikyan to the Hon. William B. Herlands, dated February 14, 1964.

Letter from Simon H. Rifkind to the Hon. William B. Herlands, dated March 19, 1964.

Stipulation dated August 6, 1964, between all parties other than defendant Cities Service Company.

Stipulation dated November 4, 1964, between all parties other than defendant Cities Service Company, so ordered on November 4, 1964.

Stipulation dated November 4, 1964, between all parties other than defendant Cities Service Company, so ordered on November 5, 1964.

Order dated November 10, 1964.

Memorandum decision dated February 9, 1965.

Letter from Arthur H. Dean to the Hon. William B. Herlands, dated November 24, 1965.

[fol. 133]

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C., 20543

April 24, 1967

RE: WALDRON, ETC. v. CITIES SERVICE Co.,

No. 744, Oct. Term, 1966

Dear Sir:

The Court today entered the following order in the above-entitled case:

The motion of the respondent to require certification of additional parts of the record is granted. The expense of printing such additional parts of the record shall initially be paid by the respondent and ultimately shall abide the judgment of the Court at the conclusion of this case.

Very truly yours,

John F. Davis, Clerk, By C. T. Lyddane, Assistant.

Simon H. Rifkind, Esq.

Paul, Weiss, Rifkind, Wharton & Garrison

575 Madison Ave.

New York, N.Y. 10022